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HANSARD'S
PARLIAMENTARY
DEBATES:

FORMING A CONTINUATION OF
"THE PARLIAMENTARY HISTORY OF ENGLAND,
FROM THE EARLIEST PERIOD TO THE
YEAR 1803."

Third Series;

COMMENCING WITH THE ACCESSION OF
WILLIAM IV.

VOL. XV.

COMPRISING THE PERIOD FROM
THE TWENTY-NINTH DAY OF JANUARY,
TO
THE TWENTY-EIGHTH DAY OF FEBRUARY, 1833.

First Volume of the Session.

L O N D O N :

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R. H. EVANS; J. BOOTH; AND T. C. HANSARD.

1833.

HANSARD'S

PARLIAMENTARY

DEBATES

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FOR THE MONTH OF

THE FIRST QUARTER OF 1833

FROM THE EARLIEST PERIOD TO THE

PRESENT TIME

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ROLL

OF THE

LORDS SPIRITUAL AND TEMPORAL,

IN THE FIRST SESSION OF THE ELEVENTH PARLIAMENT

OF THE

UNITED KINGDOM OF GREAT BRITAIN AND IRELAND.

His Royal Highness ERNEST AUGUSTUS
Duke of CUMBERLAND and of TEVIOT-
DALE.

His Royal Highness AUGUSTUS FRED.
Duke of SUSSEX.

His Royal Highness ADOLPHUS FRED.
Duke of CAMBRIDGE.

His Royal Highness WILLIAM FRED.
Duke of GLOUCESTER and of EDIN-
BURGH.

WILLIAM Archbishop of CANTERBURY.

HENRY Lord BROUGHAM and VAUX,
Lord Chancellor.

EDWARD Archbishop of YORK.

RICHARD Archbishop of DUBLIN.

HENRY Marquess of LANSDOWNE, *Lord
President of the Council.*

JOHN GEORGE Lord DURHAM, *Lord
Privy Seal.*

BERNARD EDWARD Duke of NORFOLK,
Earl Marshal of England.

WILLIAM SPENCER Duke of DEVON-
SHIRE, *Lord Chamberlain of the
Household.*

EDWARD ADOLPHUS Duke of SOMERSET.

CHARLES Duke of RICHMOND.

GEORGE HENRY Duke of GRAFTON.

HENRY CHARLES Duke of BEAUFORT.

WILLIAM AUBREY DE VERE Duke of
ST. ALBANS.

GEORGE WILLIAM FREDERICK Duke of
LEEDS.

JOHN Duke of BEDFORD.

WILLIAM SPENCER Duke of DEVON-
SHIRE. (*In another place as Lord
Chamberlain of the Household.*)

GEORGE Duke of MARLBOROUGH.

JOHN HENRY Duke of RUTLAND.

ALEXANDER Duke of BRANDON. (*Duke
of Hamilton.*)

WILLIAM HENRY CAVENDISH Duke of
PORTLAND.

WILLIAM Duke of MANCHESTER.

CHARLES Duke of DORSET.

HENRY PELHAM Duke of NEWCASTLE.

HUGH Duke of NORTHUMBERLAND.

ARTHUR Duke of WELLINGTON.

RICHARD Duke of BUCKINGHAM and
CHANDOS.

GEORGE GRANVILLE Duke of SUTHER-
LAND.

WILLIAM HARRY Duke of CLEVELAND.

CHARLES INGOLDESBY Marquess of
WINCHESTER.

GEORGE Marquess of TWEEDDALE.
(*Elected for Scotland.*)

HENRY Marquess of LANSDOWNE. (*In
another place as Lord President of the
Council.*)

GEORGE FERRARS Marquess TOWNS-
HEND.

JAMES BROWNLOW WILLIAM Marquess
of SALISBURY.

THOMAS Marquess of BATH.

JAMES Marquess of ABERCORN.

FRANCIS CHARLES Marquess of HERT-
FORD.

JOHN Marquess of BUTE.

WILLIAM Marquess of THOMOND. (*Lord
Tadcaster.*) (*Elected for Ireland.*)

BROWNLOW Marquess of EXETER.

THE LORDS' ROLL.

SPENCER JOSHUA ALWYNE Marquess of NORTHAMPTON.	GEORGE SHOLTO Earl of MORTON. (<i>Elected for Scotland.</i>)
JOHN JEFFREYS Marquess CAMDEN.	ALEXANDER Earl of HOME. (<i>Elected for Scotland.</i>)
HENRY WILLIAM Marq. of ANGLESEY.	THOMAS Earl of ELGIN. (<i>Elected for Scotland.</i>)
GEORGE HORATIO Marquess of CHOLMONDELEY.	DAVID Earl of AIRLIE. (<i>Elected for Scotland.</i>)
GEORGE AUGUSTUS FRANCIS Marquess of HASTINGS.	DAVID Earl of LEVEN. (<i>Elected for Scotland.</i>)
CHARLES Marquess of AILESBUURY.	DUNBAR JAMES Earl of SELKIRK. (<i>Elected for Scotland.</i>)
GEORGE THOMAS JOHN Marquess of WESTMEATH. (<i>Elected for Ireland.</i>)	THOMAS JOHN Earl of ORKNEY. (<i>Elected for Scotland.</i>)
FREDERICK WILLIAM Marquess of BRISTOL.	EDWARD Earl of OXFORD and Earl MORTIMER.
ARCHIBALD Marquess of AILSA.	WASHINGTON Earl FERRERS.
JOHN Marquess of BREADALBANE.	WILLIAM Earl of DARTMOUTH.
ROBERT Marquess of WESTMINSTER.	CHARLES AUGUSTUS Earl of TANKERVILLE.
JOHN Earl of SHREWSBURY.	HENEAGE Earl of AYLESFORD.
EDWARD Earl of DERBY.	PETER LEOPOLD LOUIS FRANCIS Earl COWPER.
FRANCIS THEOPHILUS HENRY Earl of HUNTINGDON.	PHILIP HENRY Earl STANHOPE.
ROBERT HENRY Earl of PEMBROKE and MONTGOMERY.	ROBERT Earl of HARBOROUGH.
WILLIAM Earl of DEVON.	GEORGE Earl of MACCLESFIELD.
THOMAS Earl of SUFFOLK and BERKSHIRE.	THOMAS WILLIAM Earl of POMFRET.
WILLIAM BASIL PERCY Earl of DENBIGH.	JAMES Earl GRAHAM. (<i>Duke of Montrose.</i>)
JOHN Earl of WESTMORELAND.	JOHN JAMES Earl WALDEGRAVE.
ALBEMARLE Earl of LINDSEY.	BERTRAM Earl of ASHBURNHAM.
GEORGE HARRY Earl of STAMFORD and WARRINGTON.	CHARLES Earl of HARRINGTON.
GEORGE WILLIAM Earl of WINCHILSEA and NOTTINGHAM.	JOHN CHARLES Earl of PORTSMOUTH.
GEORGE Earl of CHESTERFIELD.	HENRY RICHARD Earl BROOKE and Earl of WARWICK.
HENRY Earl of THANET.	GEORGE ROBERT Earl of BUCKINGHAMSHIRE.
JOHN WILLIAM Earl of SANDWICH.	CHARLES WILLIAM Earl FITZWILLIAM.
GEORGE Earl of ESSEX.	GEORGE Earl of EGREMONT.
ROBERT Earl of CARDIGAN.	FRANCIS Earl of GUILFORD.
GEORGE Earl of CARLISLE.	JAMES Earl CORNWALLIS.
WALTER FRANCIS Earl of DONCASTER. (<i>Duke of Buccleuch and Queensbury.</i>)	PHILIP Earl of HARDWICKE.
CROPLEY Earl of SHAFTESBURY.	HENRY STEPHEN Earl of ILCHESTER.
———— Earl of BERKELEY.	GEORGE JOHN Earl DE LA WARR.
MONTAGUE Earl of ABINGDON.	WILLIAM Earl of RADNOR.
OTHER ARCHER Earl of PLYMOUTH.	GEORGE JOHN Earl SPENCER.
JOHN LUMLEY Earl of SCARBOROUGH.	JOHN Earl of CHATHAM.
WILLIAM CHARLES Earl of ALBEMARLE.	HENRY Earl BATHURST.
GEORGE WILLIAM Earl of COVENTRY.	ARTHUR BLUNDELL SANDYS TRUMBULL, Earl of HILLSBOROUGH. (<i>Marquess of Downshire.</i>)
GEORGE Earl of JERSEY.	JOHN CHARLES Earl of CLARENDON.
JOHN Earl POULETT.	

THE LORDS' ROLL.

HENRY Earl of ABERGAVENNY.	ARCHIBALD Earl of GOSFORD. (<i>Elected for Ireland.</i>)
GEORGE Earl of NORWICH. (<i>Duke of Gordon.</i>)	LAWRENCE Earl of ROSSE. (<i>Elected for Ireland.</i>)
CHARLES CHETWYND Earl TALBOT.	CHARLES WILLIAM Earl of CHARLEVILLE. (<i>Elected for Ireland.</i>)
JOHN Earl STRANGE. (<i>Duke of Athol.</i>)	CHARLES HERBERT Earl MANVERS.
RICHARD Earl of MOUNT EDGCUMBE.	HORATIO Earl of ORFORD.
HUGH Earl FORTESCUE.	CHARLES Earl GREY.
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HENRY GEORGE Earl of CARNARVON.	HENRY Earl of HAREWOOD.
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JAMES EDWARD Earl of MALMESBURY.	JAMES WALTER Earl of VERULAM.
SOMERSET RICHARD Earl of CARRICK. (<i>Elected for Ireland.</i>)	JOHN Earl BROWNLOW.
FRANCIS WILLIAM Earl of CHARLEMONT. (<i>Elected for Ireland.</i>)	WILLIAM Earl of SAINT GERMANS.
GEORGE Earl of KINGSTON. (<i>Lord Kingston.</i>) (<i>Elected for Ireland.</i>)	JOHN Earl of MORLEY.
STEPHEN Earl of MOUNT CASHELL. (<i>Elected for Ireland.</i>)	GEORGE AUGUSTUS FREDERICK HENRY Earl of BRADFORD.
THOMAS Earl of LONGFORD. (<i>Lord Silchester.</i>) (<i>Elected for Ireland.</i>)	JOHN REGINALD BEAUCHAMP Earl BEAUCHAMP.
JOHN Earl of MAYO. (<i>Elected for Ireland.</i>)	RICHARD Earl of GLENGALL. (<i>Elected for Ireland.</i>)
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WILLIAM Earl of WICKLOW. (<i>Elected for Ireland.</i>)	EDWARD Earl of FALMOUTH.
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SOMERSET LOWRY Earl of BELMORE. (<i>Elected for Ireland.</i>)	JOHN SOMERS Earl SOMERS.
CHARLES HENRY ST. JOHN Earl O'NEILL. (<i>Elected for Ireland.</i>)	JOHN EDWARD CORNWALLIS Earl of STRADBROKE.
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ARTHUR GEORGE Earl of ONSLOW.	JOHN FREDERICK Earl CAWDOR.
CHARLES Earl of ROMNEY.	GEORGE Earl of MUNSTER.
HENRY THOMAS Earl of CHICHESTER.	GEORGE AUGUSTUS HENRY Earl of BURLINGTON.
THOMAS Earl of WILTON.	ROBERT Earl of CAMPERDOWN.
EDMUND HENRY Earl of LIMERICK. (<i>Lord Foxford.</i>) (<i>Elected for Ireland.</i>)	THOMAS WILLIAM Earl of LICHFIELD.
RICHARD Earl of CLANCARTY. (<i>Visc. Clancarty.</i>) (<i>Elected for Ireland.</i>)	HENRY Viscount HEREFORD.
EDWARD Earl of POWIS.	JOHN Viscount ARBUTHNOTT. (<i>Elected for Scotland.</i>)
WILLIAM Earl NELSON.	JAMES Viscount STRATHALLAN. (<i>Elected for Scotland.</i>)
	HENRY Viscount BOLINGBROKE and ST. JOHN.
	GEORGE Viscount TORRINGTON.

THE LORDS' ROLL.

AUGUSTUS FRED. Viscount LEINSTER.
(Duke of Leinster.)
 HENRY Viscount MAYNARD.
 JOHN ROBERT Viscount SYDNEY.
 HENRY Viscount HOOD.
 HAYES Viscount DONERAILE. *(Elected for Ireland.)*
 EDWARD JERVIS Viscount ST. VINCENT.
 ROBERT Viscount MELVILLE.
 HENRY Viscount SIDMOUTH.
 ROBERT EDWARD Viscount LORTON.
(Elected for Ireland.)
 FRANCIS GERARD Viscount LAKE.
 GEORGE Viscount GORDON. *(Earl of Aberdeen.)*
 GRANVILLE Viscount GRANVILLE.
 POWNOLL BASTARD Viscount EXMOUTH.
 CHARLES Viscount GORT. *(Elected for Ireland.)*
 JOHN HELY Viscount HUTCHINSON.
(Earl of Donoughmore.)
 WILLIAM CARR Viscount BERESFORD.
 RICHARD Viscount CLANCARTY. *(In another place as Earl of Clancarty.)*
 STAPLETON Viscount COMBERMERE.
 FREDERICK JOHN Viscount GODERICH.
(One of His Majesty's Principal Secretaries of State.)

CHARLES JAMES Bishop of LONDON.
 WILLIAM Bishop of DURHAM.
 CHAS. RICHARD Bishop of WINCHESTER.
 THOMAS Bishop of SALISBURY.
 HENRY Bishop of NORWICH.
 BOWYER EDWARD Bishop of ELY.
 GEO. HENRY Bp. of BATH and WELLS.
 HENRY Bp. of LICHFIELD and COVENTRY.
 HERBERT Bishop of PETERBOROUGH.
 JOHN Bishop of LINCOLN.
 WILLIAM Bishop of ST. ASAPH.
 CHRISTOPHER Bishop of BANGOR.
 ROBERT JAMES Bishop of WORCESTER.
 JOHN BANKS Bishop of ST. DAVID'S.
 ROBERT Bishop of BRISTOL.
 HUGH Bishop of CARLISLE.
 GEORGE Bishop of ROCHESTER.
 EDWARD Bishop of LLANDAFF.
 JOHN BIRD Bishop of CHESTER.
 RICHARD Bishop of OXFORD.
 JAMES HENRY Bishop of GLOUCESTER.
 HENRY Bishop of EXETER.

EDWARD Bishop of CHICHESTER.
 EDWARD Bishop of HEREFORD.
 ROBERT Bishop of OSSORY.
 JAMES Bishop of KILLALA and ACHONRY.
 CHRISTOPHER Bishop of CLONFERT and KILMACDUAGH.

RICHARD Lord WELLESLEY. *(Marquess Wellesley.) (Lord Steward of the Household.)*
 WILLIAM Lord MELBOURNE. *(Viscount Melbourne.) (One of His Majesty's Principal Secretaries of State.)*
 HENRY WILLIAM Lord DE ROS.
 GEORGE JOHN Lord AUDLEY.
 PETER ROBERT Lord WILLOUGHBY D'ERESBY.
 THOMAS Lord DACRE.
 CHARLES RODOLPH Lord CLINTON.
 WILLIAM Lord STOURTON.
 ROBERT Lord BERNERS.
 HENRY PEYTO Lord WILLOUGHBY DE BROKE.
 HENRY Lord PAGET.
 KENNETH ALEXANDER Lord HOWARD of EFFINGHAM.
 ST. ANDREW BEAUCHAMP Lord ST. JOHN OF BLETSO.
 CHAS. AUG. Lord HOWARD de WALDEN.
 GEORGE HARRY Lord GREY of GROBY.
 WILLIAM FRANCIS HENRY Lord PETRE.
 GREGORY WILL. Lord SAYE and SELE.
 JAMES EVERARD Lord ARUNDELL of WARDOUR.
 EDWARD Lord CLIFTON. *(Earl of Darnley.)*
 JOSEPH THADDEUS Lord DORMER.
 HENRY FRANCIS Lord TEYNHAM.
 GEORGE WILLIAM Lord STAFFORD.
 GEORGE ANSON Lord BYRON.
 HUGH CHAS. Lord CLIFFORD of CHUDLEIGH.
 FRANCIS Lord HOWLAND.
 GEORGE GRANVILLE Lord GOWER.
 JAS. OCHONCAR Lord FORBES. *(Elected for Scotland.)*
 ALEXANDER GEORGE Lord SALTOUN.
(Elected for Scotland.)
 FRANCIS Lord GRAY. *(Elected for Scotland.)*
 CHARLES Lord SINCLAIR. *(Elected for Scotland.)*

THE LORDS' ROLL.

JOHN Lord ELPHINSTONE. (<i>Elected for Scotland.</i>)	EDWARD THOMAS Lord THURLOW.
JOHN Lord COLVILLE of CULROSS. (<i>Elected for Scotland.</i>)	GEORGE Lord AUCKLAND.
EDMUND Lord BOYLE. (<i>Earl of Cork and Orrery.</i>)	WILLIAM HENRY Lord LYTTTELTON.
THOMAS ROBERT Lord HAY. (<i>Earl of Kinnoul.</i>)	HENRY WELBORE Lord MENDIP. (<i>Viscount Clifden.</i>)
HENRY Lord MIDDLETON.	HENRY JOHN Lord SELSEY.
PETER Lord KING.	LAWRENCE Lord DUNDAS.
FREDERICK JOHN Lord MONSON.	CHARLES Lord YARBOROUGH.
HENRY Lord MONTFORT.	FRANCIS Lord STUART of CASTLE STUART. (<i>Earl of Moray.</i>)
FREDERICK Lord PONSONBY. (<i>Earl of Besborough.</i>)	GEORGE Lord STEWART of GARLIES. (<i>Earl of Galloway.</i>)
LEWIS RICHARD Lord SONDES.	JAMES GEORGE Lord SALTERSFORD. (<i>Earl of Courtown.</i>)
THOMAS PHILIP Lord GRANTHAM.	GEORGE Lord BRODRICK. (<i>Viscount Middleton.</i>)
NATHANIEL Lord SCARSDALE.	GEORGE Lord CALTHORPE.
GEORGE Lord BOSTON.	FRANCIS Lord DE DUNSTANVILLE and BASSETT.
HENRY RICHARD Lord HOLLAND.	JOHN Lord ROLLE.
JOHN Lord LOVELL and HOLLAND. (<i>Earl of Egmont.</i>)	RICHARD Lord WELLESLEY. (<i>Marquess Wellesley.</i>) (<i>In another place as Lord Steward of the Household.</i>)
GEORGE CHARLES Lord VERNON.	ROBERT Lord CARRINGTON.
THOMAS Lord DUCIE.	HENRY Lord BAYNING.
GEORGE WILLIAM Lord SUNDRIDGE and HAMILTON. (<i>Duke of Argyll.</i>)	WILLIAM POWLETT Lord BOLTON.
EDWARD WILLIAM Lord HAWKE.	JOHN Lord WODEHOUSE.
THOMAS Lord FOLEY.	JOHN Lord NORTHWICK.
GEORGE TALBOT Lord DYNEVOR.	THOMAS ATHERTON Lord LILFORD.
THOMAS Lord WALSINGHAM.	THOMAS Lord RIBBLESDALE.
WILLIAM Lord BAGOT.	JOHN Ld. FITZGIBBON. (<i>Earl of Clare.</i>)
CHARLES Lord SOUTHAMPTON.	JOHN Lord CARBERRY. (<i>Elected for Ireland.</i>)
FLETCHER Lord GRANTLEY.	JOHN Ld. FARNHAM. (<i>Elect. for Ireland.</i>)
GEORGE Lord RODNEY.	JAMES Lord DUFFERIN and CLANEBOYE. (<i>Elected for Ireland.</i>)
GEORGE Lord CARTERET.	HENRY Lord DUNALLEY. (<i>Elected for Ireland.</i>)
WILLIAM Lord BERWICK.	CHARLES Lord MOORE. (<i>Marquess of Drogheda.</i>)
JOHN Lord SHERBORNE.	JOHN LOFTUS Lord LOFTUS. (<i>Marquess of Ely.</i>)
HEN. JAMES MONTAGU Lord MONTAGU.	JOHN Lord CARYSFORT. (<i>Earl of Carysfort.</i>)
HENRY Lord TYRONE. (<i>Marquess of Waterford.</i>)	WILLIAM Lord ALVANLEY.
HENRY Lord CARLETON. (<i>Earl of Shannon.</i>)	GEORGE Lord ABERCROMBY.
EDWARD Lord SUFFIELD.	ALLEYNE Lord ST. HELEN'S.
GUY Lord DORCHESTER.	JOHN THOMAS Lord REDESDALE.
GEORGE Lord KENYON.	GEORGE Lord RIVERS.
RICHARD Lord BRAYBROOKE.	EDWARD Lord ELLENBOROUGH.
GEORGE AUGUSTUS Lord FISHERWICK. (<i>Marquess of Donegal.</i>)	CHARLES GEORGE Lord ARDEN.
ARCHIBALD Lord DOUGLAS of DOUGLAS.	
HENRY HALL Lord GAGE. (<i>Viscount Gage.</i>)	
WILLIAM WYNDHAM Lord GRENVILLE.	

THE LORDS' ROLL.

GEORGE AUGUSTUS FREDERICK CHAS. Lord SHEFFIELD. (<i>Earl of Sheffield.</i>)	WILLIAM Lord MARYBOROUGH.
CHARLES NOEL Lord BARHAM.	THOMAS HENRY Lord ORIEL. (<i>Viscount Ferrard.</i>)
DAVID MONTAGU Lord ERSKINE.	WILLIAM Lord STOWELL.
HOWE PETER Lord MOUNT EAGLE. (<i>Marquess of Sligo.</i>)	THOMAS HENRY Lord RAVENSWORTH.
ARCHIBALD WILLIAM Lord ARDROSSAN. (<i>Earl of Eglintoun.</i>)	THOMAS Lord DELAMERE.
JAMES Lord LAUDERDALE. (<i>Earl of Lauderdale.</i>)	JOHN GEORGE WELD Lord FORESTER.
GEORGE Lord GRANARD. (<i>Earl of Granard.</i>)	NICHOLAS Lord BEXLEY.
JOHN Lord CREWE.	ROBERT FRANCIS Lord GIFFORD.
JOHN Lord PONSONBY OF IMOKILLY.	PERCY-CLINTON-SYDNEY Lord PENS- HURST. (<i>Viscount Strangford.</i>)
ALAN LEGGE Lord GARDNER.	WILLIAM Lord TADCASTER. (<i>In an- other place as Marquess of Thomond.</i>)
THOMAS Lord MANNERS.	ULIC JOHN Lord SOMERHILL. (<i>Mar- quess of Clanricarde.</i>)
JAMES Lord GAMBIER.	JAMES Lord WIGAN. (<i>Earl of Balcarres.</i>)
JOHN Lord HOPETOUN and NIDDRY. (<i>Earl of Hopetoun.</i>)	THOMAS Lord RANFURLY. (<i>Earl of Ranfurlly.</i>)
THOMAS Lord LYNEDOCH.	CHARLES Lord FARNBOROUGH.
ROWLAND Lord HILL.	GEORGE Lord DE TABLEY.
GEORGE Lord DALHOUSIE. (<i>Earl of Dalhousie.</i>)	JAMES ARCHIBALD Lord WHARNCLIFFE.
GEORGE Lord MELDRUM. (<i>Earl of Aboyne.</i>)	CHARLES Lord FEVERSHAM.
GEORGE Lord ROSS. (<i>Earl of Glasgow.</i>)	CHARLES ROSE Lord SEAFORD.
JOHN WILLOUGHBY Lord GRINSTEAD. (<i>In another place as Earl of Ennis- killen.</i>)	JOHN SINGLETON Lord LYNDHURST.
EDMUND HENRY Lord FOXFORD. (<i>In another place as Earl of Limerick.</i>)	JAMES Lord FIFE. (<i>Earl of Fife.</i>)
WILLIAM Lord MELBOURNE. (<i>Viscount Melbourne.</i>) (<i>In another place as one of His Majesty's Principal Secretaries of State.</i>)	JOHN HENRY Lord TENTERDEN.
FRANCIS ALMERIC Lord CHURCHILL.	WILLIAM CONYNGHAM Lord PLUNKET.
WILLIAM GEORGE Lord HARRIS.	THOMAS Lord MELROS. (<i>Earl of Had- dington.</i>)
ALGERNON Lord PRUDHOE.	HENRY Lord COWLEY.
CHARLES Lord COLCHESTER.	CHARLES Lord STUART DE ROTHESAY.
JOHN WILLIAM ROBERT Lord KER. (<i>Marquess of Lothian.</i>)	WILLIAM Lord HEYTESBURY.
FRANCIS NATHANIEL Lord MINSTER. (<i>Marquess Conyngham.</i>)	ARCHIBALD JOHN Lord ROSEBERY. (<i>Earl of Rosebery.</i>)
JAMES Lord ORMONDE. (<i>Marquess of Ormonde.</i>)	RICHARD Lord CLANWILLIAM. (<i>Earl of Clanwilliam.</i>)
FRANCIS Lord WEMYSS.	JOHN GEORGE Lord DURHAM. (<i>In another place as Lord Privy Seal.</i>)
ROBERT Lord CLANBRASSIL. (<i>Earl of Roden.</i>)	EDWARD Lord SKELMERSDALE.
GEORGE Lord KINGSTON. (<i>In another place as Earl of Kingston.</i>)	THOMAS Lord WALLACE.
THOMAS Lord SILCHESTER. (<i>In another place as Earl of Longford.</i>)	WILLIAM DRAPER Lord WYNFORD.
JAMES Lord GLENLYON.	HENRY Lord BROUGHAM and VAUX. (<i>In another place as Lord Chancellor.</i>)
	WILLIAM GEORGE Lord KILMARNOCK. (<i>Earl of Erroll.</i>)
	ARTHUR JAMES Lord FINGALL. (<i>Earl of Fingall.</i>)
	WILLIAM PHILIP Lord SEFTON. (<i>Earl of Sefton.</i>)
	NATHANIEL Lord CLEMENTS. (<i>Earl of Leitrim.</i>)

THE LORDS' ROLL.

GEORGE WILLIAM FOX Lord ROSSIE. (<i>Lord Kinnaird.</i>)	GEORGE WARWICK Lord POLTIMORE.
GEORGE JAMES WELBORE Lord DOVER.	ROBERT Lord WENLOCK.
THOMAS Lord KENLIS. (<i>Marquess of Headfort.</i>)	EDWARD PRYCE Lord MOSTYN.
JOHN CHAMBRE Lord CHAWORTH. (<i>Earl of Meath.</i>)	WILLIAM FITZHARDINGE Lord SE- GRAVE.
GEORGE Lord DUNMORE. (<i>Earl of Dun- more.</i>)	ARTHUR Lord TEMPLEMORE.
GEORGE JAMES Lord LUDLOW. (<i>Earl Ludlow.</i>)	WILLIAM LEWIS Lord DINORBEN.
ROBERT MONTGOMERY Lord HAMILTON. (<i>Lord Belhaven and Stenton.</i>)	VALENTINE BROWNE Lord CLONCURRY.
JOHN FRANCIS Lord HOWDEN.	JAMES Lord DE SAUMAREZ.
WILLIAM Lord PANMURE.	FRANCIS GODOLPHIN Lord GODOLPHIN.
	LUCIUS Lord HUNSDON. (<i>Viscount Falk- land.</i>)
	EDWARD Lord STANLEY.
	CHARLES CALLIS Lord WESTERN.

MEM.—According to the Usage of Parliament, when the House appoints a Select Committee, the Lords appointed to serve upon it are named in the Order of their Rank, beginning with the Highest; and so, when the House sends a Committee to a Conference with the Commons, the Lord highest in Rank is called first, and the rest go forth in like Order: But when the Whole House is called over for any Purpose within the House, or for the Purpose of proceeding forth to Westminster Hall, or upon any public Solemnity, the Call begins invariably with the Junior Baron.

HOUSE OF COMMONS,

BEING THE

FIRST SESSION OF THE ELEVENTH PARLIAMENT OF THE UNITED KINGDOM OF

GREAT BRITAIN AND IRELAND,

APPOINTED TO MEET AT WESTMINSTER, 29TH JANUARY, 1833, IN THE

THIRD YEAR OF

WILLIAM THE FOURTH.

(Corrected to the First Day of Meeting.)

ABERCROMBY, rt. hon. Jas. <i>Edinburgh</i>	BENTINCK, lord Geo. <i>King's Lynn</i>
ACHESON, visct. <i>Armaghshire</i>	BERESFORD, sir John P. bt. <i>Coleraine</i>
ADAM, Charles <i>Clackmanan, &c.</i>	BERKELEY, Maurice F. F. <i>Gloucester</i>
ADAMS, Edward H. <i>Caermarthenshire</i>	BERKELEY, hon. Geo. C. G. <i>Gloucestersh.</i>
AGLIONBY, Henry <i>Cockermouth</i>	BERKELEY, hon. Craven F. <i>Cheltenham</i>
AGNEW, sir Andrew, bt. <i>Wigtonshire</i>	BERNAL, Ralph <i>Rochester</i>
ALTHORP, visct. <i>Northamptonshire</i>	BERNARD, hon. Wm. J. <i>Bandon Bridge</i>
ANDOVER, visct. <i>Malmesbury</i>	BETHELL, Richard <i>Yorkshire</i>
ANSON, sir George <i>Lichfield</i>	BEWES, Thomas <i>Plymouth</i>
ANSON, hon. George <i>Yarmouth</i>	BIDDULPH, Robt. M. <i>Denbighshire</i>
APSLEY, lord <i>Cirencester</i>	BIDDULPH, Robert <i>Hereford</i>
ARBUTHNOT, hon. H. <i>Kincardineshire</i>	BISH, Thomas <i>Leominster</i>
ARCHDALL, Mervyn <i>Fermanaghshire</i>	BLACKNEY, Walter <i>Carlowsheire</i>
ASHLEY, lord <i>Dorsetshire</i>	BLACKSTONE, William <i>Wallingford</i>
ASTLEY, sir J. Dugdale, bt. <i>Wiltshire</i>	BLAKE, sir Francis, bt. <i>Berwick</i>
ASTLEY, sir Jacob, bt. <i>Norfolk</i>	BLAMIRE, Wm. <i>Cumberland</i>
ATHERLEY, Arthur <i>Southampton</i>	BLANDFORD, marquess <i>Woodstock</i>
ATTWOOD, Matthias <i>Whitehaven</i>	BLANEY, hon. Cadwallader. <i>Monaghansh.</i>
ATTWOOD, Thomas <i>Birmingham</i>	BLUNT, sir Chas. R., bt. <i>Lewes</i>
BAILLIE, John <i>Inverness, &c.</i>	BOLLING, William <i>Bolton</i>
BAILLIE, James Evan <i>Bristol</i>	BOSS, John G. <i>Northallerton</i>
BAINBRIDGE, Edward T. <i>Taunton</i>	BOWES, John <i>Durham County</i>
BALDWIN, Herbert <i>Cork</i>	BIGGS, Rawdon <i>Halifax</i>
BALFOUR, James <i>Haddingtonshire</i>	BRIGSTRICK, William P. <i>Somersetshire</i>
BANKES, William John <i>Dorsetshire</i>	BRISCOE, John I. <i>Surrey</i>
BANNERMAN, Alexander <i>Aberdeen</i>	BROCKLEHURST, John <i>Macclesfield</i>
BARING, Alexander <i>Essex</i>	BRODIE, William B. <i>Salisbury</i>
BARING, Francis T. <i>Portsmouth</i>	BROTHERTON, Joseph <i>Salford</i>
BARING, Henry B. <i>Marlborough</i>	BROUGHAM, James <i>Kendal</i>
BARING, Francis <i>Thetford</i>	BROUGHAM, Wm. <i>Southwark</i>
BARING, William B. <i>Winchester</i>	BROWNE, Dominick <i>Mayo</i>
BARNARD, Edward G. <i>Greenwich</i>	BROWNE, John <i>Mayo</i>
BARNET, Charles J. <i>Maidstone</i>	BRUCE, lord Ernest <i>Marlborough</i>
BARRINGTON, hon. Geo. <i>Sunderland</i>	BRUDENELL, lord <i>Northamptonshire</i>
BARRY, Samuel <i>Corkshire</i>	BUCKINGHAM, Jas. Silk <i>Sheffield</i>
BATESON, sir Robert <i>Londonderryshire</i>	BULKELEY, sir Rich. B. W. <i>Anglesey</i>
BAYNTUN, Samuel A. <i>York</i>	BULLER, Charles <i>Liskeard</i>
BEAUCLERK, Aubrey W. <i>Surrey</i>	BULLER, Edward <i>Staffordshire</i>
BEAUMONT, Thos. W. <i>Northumberland</i>	BULLER, James W. <i>Exeter</i>
BELFAST, earl of <i>Antrimshire</i>	BULTEEL, John C. <i>Devonshire</i>
BELL, Matthew <i>Northumberland</i>	BULWER, Henry L. <i>Coventry</i>
BELLEV, Richard M. <i>Louth</i>	BULVER, Edward E. L. <i>Lincoln</i>
BENETT, John <i>Wiltshire</i>	BURDETT, sir Francis, bt. <i>Westminster</i>

BURTON, Henry	Beverley	DALY, James	Galwayshire
BURRELL, sir Chas. M., bt.	New Shoreham	DARE, Robert W.	Essex
BUTLER, hon. Pierce	Kilkenny	DARLINGTON, earl of	Shropshire
BUXTON, Thos. Fowell	Weymouth	DASHWOOD, George H.	Bucks
BYNG, George	Middlesex	DAVENPORT, John	Stoke
BYNG, rt. hon. sir J.	Poole	DAVIES, Thomas Henry	Worcester
CALCRAFT, John H.	Wareham	DAWSON, Edward	Leicestershire
CALLAGHAN, Daniel	Cork	DENISON, Wm. Joseph	Surrey
CALLANDER, James H.	Argyllshire	DENISON, John E.	Nottinghamshire
CALLEY, Thomas	Cricklade	DICK, Quintin	Maldon
CALVERT, Nicolson	Hertfordshire	DILLWYN, Lewis W.	Glamorgan
CAMPBELL, sir John	Dudley	DIVETT, Edward	Exeter
CAREW, Robt. S.	Wexford County	DOBBIN, Leonard	Armagh
CARTER, John B.	Portsmouth	DOBBS, Conway R.	Currickfergus
CARTWRIGHT, Will. R.	Northamptonsh.	DONKIN, sir Rufane S.	Berwick
CASTLEREAGH, visct.	Downshire	DUFFIELD, Thomas	Abingdon
CAVENDISH, hon. Hen. F. C.	Derby	DUGDALE, William S.	Warwickshire
CAVENDISH, hon. Chas. C.	Sussex	DUNCANNON, visct.	Nottingham
CAVENDISH, lord	Derbyshire	DUNCOMBE, hon. W.	Yorkshire
CAYLEY, Edward S.	Yorkshire	DUNDAS, hon. sir Rob. L.	Richmond
CAYLEY, sir George	Scarborough	DUNDAS, hon. John C.	Richmond
CHANDOS, marquess of	Bucks	DUNDAS, James W. D.	Greenwich
CHAPLIN, Thomas	Stamford	DUNLOP, John	Renfrew, &c.
CHAPMAN, Montague L.	Westmeath	DYKES, Fretoneville	Cockermouth
CHAPMAN, Aaron	Whitby	EASTNOR, visct.	Reigate
CHAYTOR, sir Will. R. C., bt.	Sunderland	EBBRINGTON, visct.	Devonshire
CHAYTOR, Will. R.	Durham	EGERTON, William T.	Cheshire
CHETWYND, William F.	Stafford	ELLICE, Edward	Coventry
CHICHESTER, John P. B.	Barnstaple	ELLIOT, George	Roxburghshire
CHICHESTER, lord Arthur	Belfast	ELLIS, Wynn	Leicester
CHILDERS, John W.	Cambridgeshire	ESTCOURT, Thos. G. B.	Oxford University
CLAY, William	Tower Hamlets	ETWALL, Ralph	Andover
CLAYTON, William R.	Marlow	EVANS, William	Leicester
CLEMEN'S, visct.	Leitrimshire	EVANS, George	Dublin County
CLIVE, Edward B.	Hereford	EWART, William	Liverpool
CLIVE, visct.	Ludlow	EWING, James	Glasgow
CLIVE, hon. Robert H.	Shropshire	FAITHFULL, George	Brighton
COBBETT, William	Oldham	FANCOURT, Charles St. John	Barnstaple
COCKERELL, sir Charles, bt.	Evesham	FAZAKERLEY, John N.	Peterborough
CODRINGTON, sir Edw. bt.	Devonport	FELLOWES, hon. Newton	Devonshire
COLE, hon. Arthur H.	Enniskillen	FELLOWES, Henry A. W.	Andover
COLE, visct.	Fermanagh	FENTON, John	Rochdale
COLLYER, John	Plymouth	FENTON, Lewis	Huddersfield
COLQUHOUN, John C.	Dumbartonsh.	FERGUSON, sir Ronald C.	Nottingham
CONOLLY, Edward M.	Donegal	FERGUSON, Sir Rob. A., bt.	Londonderry
COOKES, Thomas H.	Worcestershire	FERGUSON, Robert	Dysart, &c.
COOPER, Edward J.	Sligoshire	FERGUSON, George	Banffshire
COOPER, hon. Ant. A. C.	Dorchester	FERGUSON, Robert C.	Kircudbright
COOTE, sir Chas. H. bt.	Queen's Co.	FIELDEN, John	Oldham
CORNISH, James	Totness	FIELDEN, William	Blackburn
CORRY, hon. Henry T. L.	Tyronehire	FINCH, George	Stamford
COTES, John	Shropshire	FINN, William F.	Kilkennn
CRAWLEY, Samuel	Bedford	FITZGERALD, Thomas	Louth
CRIPPS, Joseph	Cirencester	FITZ-GIBBON, hon. Rich.	Limericksh.
CROMPTON, Joshua S.	Ripon	FITZROY, lord James	Thetford
CURTEIS, Herbert B.	Sussex	FITZROY, lord Chas.	Bury St. Edm.
CURTEIS, Edward B.	Rye	FITZSIMON, Christopher	Dublin County
DALMENY, lord	Stirling, &c.	FITZSIMON, Nicholas	King's County
DALRYMPLE, sir John H.	Edinburghsh.	FITZWILLIAM, hon. Wm. C. W.	Malton

FLEETWOOD, Peter H.	Preston	HARLAND, William	Durham
FLEMING, hon. Charles	Stirlingshire	HARVEY, Daniel W.	Colchester
FOLEY, Edward T.	Herefordshire	HAWES, Benjamin	Lambeth
FOLEY, John H. H.	Droitwich	HAWKINS, J. H.	Newport, I. of Wight
FOLEY, hon. Thomas H.	Worcestershire	HAY, sir John, bt.	Peeblesshire
FOLKES, sir Wm. J. H. B.	Norfolk	HAY, Andrew L.	Elgin, &c.
FORDWICH, lord	Canterbury	HAYES, sir Edmund S.	Donegal
FORESTER, hon. G. C. W.	Wenlock	HEATHCOTE, sir Gilbert, bt.	Rutland
FORSTER, Chas. S.	Walsall	HEATHCOTE, Gilbert I.	Lincolnshire
FORT, John	Clitheroe	HEATHCOTE, John	Tiverton
FOX, Sackville L.	Helleston	HENEAGE, George F.	Lincoln
FOX, Charles R.	Tavistock	HENNIKER, lord	Suffolk
FRANKLAND, sir Rob., bt.	Thirsk	HERBERT, hon. Sidney	Wiltshire
FREEMANTLE, sir Thos. bt.	Buckingham	HERON, sir Robert, bt.	Peterborough
FRENCH, Fitzstephen	Roscommon	HERRIES, rt. hon. John C.	Harwich
FRYER, Richard	Wolverhampton	HILL, lord Arthur	Downshire
GALWAY, John M.	Waterfordshire	HILL, sir Rowland, bt.	Shropshire
GASKELL, Daniel	Wakefield	HILL, Matthew D.	Hull
GASKELL, James M.	Wenlock	HILL, lord Marcus	Newry
GILLON, William D.	Linlithgow, &c.	HOBHOUSE, sir John, bt.	Westminster
GISBORNE, Thomas	Derbyshire	HODGES, Thomas L.	Kent
GLADSTONE, William E.	Newark	HODGSON, John	Newcastle-upon-Tyne
GLADSTONE, Thomas	Portarlington	HOPE, hon. sir Alexander.	Linlithgowshire
GLYNN, Sir Stephen R.	Flint	HORNBY, Edmund	Warrington
GODSON, Richard	Kidderminster	HORNE, sir William	Marylebone
GORDON, Robert	Cricklade	HOSKINS, Kedgwin	Herefordshire
GORDON, hon. William	Aberdeenshire	HOTHAM, lord	Leominster
GORE, Montague	Devizes	HOULDSWORTH, Thos.	Nottinghamsh.
GORING, Harry D.	New Shoreham	HOWARD, Ralph	Wicklowshire
GOULBURN, rt. hon. Henry	Camb. Univ.	HOWARD, hon. Frederick G.	Morpeth
GRAHAM, sir Jas. R. G.	Cumberland	HOWARD, Philip Henry	Carlisle
GRANT, rt. hon. Robert	Finsbury	HOWICK, visct.	Northumberland
GRANT, right hon. Chas.	Inverness-shire	HOY, James B.	Southampton
GRANT, hon. Francis Wm.	Elginshire	HUDSON, Thomas	Evesham
GRATTAN, James	Wickloushire	HULSE, James	St. Ives
GRATTAN, Henry	Meath	HUME, Joseph	Middlesex
GREENE, Thomas	Lancaster	HUMPHERY, John	Southwark
GREY, sir George, bt.	Devonport	HURST, Robert H.	Horsham
GREY, hon. Charles	Wycombe	HUTT, William	Hull
GREVILLE, sir Charles I.	Warwick	HYETT, William H.	Stroud
GRIMSTON, visct.	Hertfordshire	JAMES, William	Carlisle
GRONOW, Rees H.	Stafford	JEFFREY, Francis	Edinburgh
GROSVENOR, earl	Cheshire	JERMYN, earl	Bury St. Edmund's
GROSVENOR, lord Robert	Chester	JERNINGHAM, hon. Hen. V.	Pontefract.
GROTE, George	London	JERVIS, John	Chester
GUEST, Josiah J.	Merthyr Tydvil	JOHNSTONE, sir Fred. G.	Weymouth
GUISE, sir B. W. bart.	Gloucestershire	INGESTRE, visct.	Hertford
GULLY, John	Pontefract	INGHAM, Robert	South Shields
HALFORD, Henry	Leicestershire	INGILBY, sir Will. A., bt.	Lincolnshire
HALIBURTON, hon. Douglas G.	Forfarsh.	INGLIS, sir Robert H., bt.	Oxford Univ.
HALL, Benjamin	Monmouth	JOHNSTONE, sir J. V. B., bt.	Scarborough
HANDLEY, William F.	Newark	JOHNSTONE, John J. H.	Dumfriesshire
HANDLEY, Henry	Lincolnshire	JOHNSTON, Andrew	Cupar, &c.
HANDLEY, Benjamin	Boston	JONES, Theobald	Londonderryshire
HANMER, Henry	Aylesbury	KEANE, sir Richard, bt.	Waterfordshire
HANMER, sir John	Shrewsbury	KEMP, Thomas R.	Lewes
HARCOURT, George G.	Oxfordshire	KENNEDY, Thomas Francis	Ayr, &c.
HARDINGE, sir Henry	Launceston	KENNEDY, James	Tiverton
HARDY, John	Bradford	KEPPEL, hon. George	Norfolk

KERRISON, sir Edward, bt. . . . *Eye*
 KERRY, earl of *Calne*
 KEY, sir John, bt. *London*
 KING, Edward B. *Warwick*
 KINLOCH, George *Dundee*
 KNATCHBULL, sir Edward *Kent*
 KNOX, hon. John J. *Dungannon*
 LABOUCHERE, Henry *Taunton*
 LALOR, Patrick *Queen's County*
 LAMB, hon. George *Dungarvon*
 LAMBERT, Henry *Wexfordshire*
 LAMBTON, Hedworth *Durham County*
 LAMONT, Norman *Wells*
 LANGDALE, hon. Charles *Beverley*
 LANGSTON, James H. *Oxford*
 LANGTON, William G. *Somersetshire*
 LEE, John L. *Wells*
 LEECH, John *Surrey*
 LEFEVRE, Charles S. *Hampshire*
 LEFEVRE, John G. S. *Petersfield*
 LEFROY, Thomas *Dublin University*
 LEMON, sir Charles *Cornwall*
 LENNARD, Thomas B. *Maldon*
 LENNARD, sir Thomas B. *Essex*
 LENNOX, lord John George *Sussex*
 LENNOX, lord Arthur *Chichester*
 LENNOX, lord William P. *King's Lynn*
 LESTER, Benjamin Lester *Poole*
 LEWIS, rt. hon. Thomas F. *Radnorshire*
 LINCOLN, earl *Nottinghamshire*
 LISTER, Ellis C. *Bradford*
 LITTLETON, Edward John *Staffordsh.*
 LLOYD, John H. *Stockport*
 LOCH, James *Kirkwall, &c.*
 LOCKE, Wadham *Devizes*
 LOPES, sir Ralph *Westbury*
 LOWTHER, hon. Henry C. *Westmoreland*
 LOWTHER, visct. *Cumberland*
 *Westmoreland*
 LUMLEY, visct. *Nottinghamshire*
 LUSHINGTON, Stephen *Tower Hamlets*
 LYGON, hon. Henry B. *Worcestershire*
 LYNCH, A. *Galway*
 MABERLY, William L. *Chatham*
 MACAULAY, Thomas B. *Leeds*
 MACKENZIE, Jas. A. S. *Ross-shire*
 M'LAUGHLIN, L. *Galway*
 M'LEOD, Roderick *Sutherlandshire*
 MACNAMARA, William N. *Clare*
 MADOCKS, John *Denbigh*
 MAHON, visct. *Hertford*
 MANDEVILLE, visct. *Huntingdonshire*
 MANGLES, James *Guildford*
 MANNERS, lord Robert *Leicestershire*
 MARJORIBANKS, Charles *Berwicksh.*
 MARJORIBANKS, Stewart *Hythe*
 MARRYATT, Joseph *Sandwich*
 MARSHALL, John *Leeds*
 MARSLAND, Thomas *Stockport*

MARTIN, John *Tewkesbury*
 MARTIN, John *Sligo*
 MARTIN, Thomas *Galwayshire*
 MAXFIELD, William *Grimsby*
 MAXWELL, Henry *Cavan*
 MAXWELL, John *Lanarkshire*
 MAXWELL, sir John *Paisley*
 METHUEN, Paul *Wiltshire*
 MEYNELL, Henry *Lisburn*
 MILDNAY, Paulet St. John *Winchester*
 MILLER, William H. *Newcastle, Staff.*
 MILLS, John *Rochester*
 MILTON, visct. *Northamptonshire*
 MOLESWORTH, sir William *Cornwall*
 MOLYNEUX, visct. *Lancashire*
 MORETON, Hon. Henry F. G. *Gloucestersh.*
 MORETON, hon. Augustus H. *Gloucestersh.*
 MORRISON, James *Ipswich*
 MORPETH, visct. *Yorkshire*
 MOSLEY, sir Oswald, bt. *Staffordshire*
 MOSTYN, hon. Edw. M. L. *Flintshire*
 MULLINS, Fred. W. *Kerry*
 MURRAY, John A. *Leith, &c.*
 NAGLE, sir Richard *Westmeath*
 NEALE, sir Harry *Lymington*
 NEELD, Joseph *Chippenham*
 NEWARK, visct. *East Retford*
 NICHOLL, John *Cardiff*
 NOEL, sir Gerard N., bart. *Rutland*
 NORREYS, lord *Oxfordshire*
 NORTH, Frederick *Hastings*
 O'BRIEN, Charles *Clare*
 O'CALLAGHAN, hon. Cornel. *Tipperary*
 O'CONNOR, Denis *Roscommon*
 O'CONNOR, Francis *Corkshire*
 O'CONNELL, Charles *Kerry*
 O'CONNELL, Daniel *Dublin*
 O'CONNELL, John *Youghall*
 O'CONNELL, Maurice *Tralee*
 O'CONNELL, Morgan *Meath*
 O'DWYER, Andrew C. *Drogheda*
 O'FERRALL, Richard M. *Kildareshire*
 O'GRADY, hon. Standish *Limerickshire*
 OLIPHANT, Laurence *Perth*
 O'NEIL, hon. John Richd. B. *Antrimshire*
 ORD, Will. H. *Newport, Isle of Wight*
 O'REILLY, William *Dundalk*
 ORMELIE, earl of *Perthshire*
 OSSULSTON, lord *Northumberland*
 OSWALD, James *Glasgow*
 OSWALD, Richard A. *Ayrshire*
 OWEN, sir John *Pembrokeshire*
 OWEN, Hugh O. *Pembroke*
 OXMANTOWN, lord *King's County*
 PAGET, sir Charles *Carnarvon*
 PAGET, Frederick *Beaumaris*
 PALMER, Charles *Bath*
 PALMER, Charles F. *Reading*
 PALMER, Robert *Berkshire*

PALMERSTON, visct.	Hampshire	ROSS, Charles	Northampton
PARKER, sir Hyde	Suffolk	ROSS, Horatio	Inverbervie, &c.
PARKER, John	Sheffield	ROTCH, Benjamin	Knaresborough
PARROTT, Jasper	Totness	RUMBOLD, Charles E.	Yarmouth
PATTEN, John W.	Lancashire	RUSSELL, Charles	Reading
PEASE, Joseph	Durham County	RUSSELL, lord John	Devonshire
PECHEL, sir Samuel J. B.	Windsor	RUSSELL, lord	Tavistock
PEEL, rt. hon. sir Rob.	Tamworth	RUSSELL, lord Charles J. F.	Bedfordshire
PEEL, Jonathan	Huntingdon	RUSSELL, William C.	Worcestershire
PELHAM, hon. Charles A. W.	Lincolnsh.	RUTHVEN, Edward	Kildareshire
PENDARVES, Edw. W. W.	Cornwall	RUTHVEN, Edward S.	Dublin
PENRUDDOCKE, John H.	Wilton	RYLE, John	Macclesfield
PEPYS, Charles C.	Malton	SANDERSON, Richard	Colchester
PERCEVAL, Alexander	Sligoshire	SANDON, viscount	Liverpool
PERRIN, Louis	Monaghan	SANFORD, Edward A.	Somersetshire
PETER, William	Bodmin	SCALE, John Henry	Dartmouth
PETRE, hon. Edward R.	York	SCARLETT, sir James	Norwich
PHILIPS, Mark	Manchester	SCHOLEFIELD, Joshua	Birmingham
PHILIPS, sir George	Warwickshire	SCOTT, sir Edward D.	Litchfield
PHILLIPS, sir Richd., bt.	Haverfordwest	SCOTT, James W.	Hampshire
PHILLIPS, Charles M.	Leicestershire	SEBRIGHT, sir John S., bt.	Hertfordsh.
PHILLPOTTS, John	Gloucester	SHARPE, Matthew	Dumfries, &c.
PIGOT, Robert	Bridgnorth	SHAW, Frederick	Dublin University
PINNEY, William	Lyme Regis	SHAW, Robert N.	Suffolk
PLUMPTRE, John P.	Kent	SHEIL, Richard L.	Tipperary
POLLOCK, Frederick	Huntingdon	SHEPPARD, Thomas	Frome
PONSONBY, hon. Wm.	Dorsetshire	SIMEON, sir Richard G.	Isle of Wight
PORTMAN, Edw. Berkeley	Marylebone	SINCLAIR, George	Caitness
POTTER, Richard	Wigan	SKIPWITH, sir Gray	Warwickshire
POULTER, John S.	Shaftesbury	SLANEY, Robert A.	Shrewsbury
POWELL, W. Edward	Cardiganshire	SMITH, John Abel	Chichester
POYNTZ, William S.	Ashburton	SMITH, John	Bucks
PRICE, sir Robert, bart.	Herefordshire	SMITH, hon. Robert J.	Wycombe
PRICE, Richard	New Radnor	SMITH, Robert V.	Northampton
PRINGLE, Robert	Selkirkshire	SMITH, Thomas A.	Carnarvonshire
PRYME, George	Cambridge	SOMERSET, lord Gran. C. H.	Monmouthsh.
PRYSE, Pryse	Cardigan	SPANKIE, Robert	Finsbury
PUGH, David	Montgomery	SPENCER, hon. Fred.	Midhurst
RAMSBOTTOM, John	Windsor	SPRY, Samuel T.	Bodmin
REID, sir John R. bart.	Dover	STANLEY, Edward John	Cheshire
RICARDO, David	Stroud	STANLEY, hon. Edw. G. S.	Lancashire
RICE, Thomas Spring	Cambridge	STANLEY, hon. Henry T.	Preston
RICHARDS, John	Knaresborough	STANLEY, Edward	Cumberland
RICKFORD, William	Aylesbury	STAUNTON, sir George T.	Hampshire
RIDER, Thomas	Kent	STAVELEY, Thomas K.	Ripon
RIDLEY, sir M. W.	Newcastle-upon-Tyne	STAWELL, colonel	Kinsale
RIPPON, Cuthbert	Gateshead	STEUART, Robert	Haddington, &c.
ROCHE, William	Limerick	STEWART, John	Lymington
ROCHE, David	Limerick	STEWART, sir Michael S., bt.	Renfrewsh.
ROCKE, James H.	Longfordshire	STEWART, Sir Hugh, bt.	Tyronehire
ROEBUCK, John A.	Bath	STEWART, Patrick M.	Lancaster
ROE, James	Cashel	STEWART, Edward	Wigton, &c.
ROBERTS, Abraham W.	Maidstone	STONOR, Thomas	Oxford
ROBINSON, George R.	Worcester	STORMONT, visct.	Norwich
ROLFE, Robert M.	Penryn	STRICKLAND, George	Yorkshire
ROMILLY, Edward	Ludlow	STRUTT, Edward	Derby
ROMILLY, John	Bridport	STUART, lord Dudley C.	Arundel
RONAYNE, Dominick	Clonmel	STUART, Charles	Bute
ROOPER, John B.	Huntingdonshire	STUART, William	Bedfordshire

SULLIVAN, Richard	<i>Kilkenny</i>	WALKER, Charles A.	<i>Wexford</i>
SURREY, earl of	<i>Sussex</i>	WALKER, Richard	<i>Bury</i>
SUTTON, rt. hon. C. M. ..	<i>Camb. Univ.</i>	WALL, Charles B.	<i>Guildford</i>
TALBOT, Christ. R. M. ...	<i>Glamorganshire</i>	WALLACE, Robert	<i>Greenock</i>
TALBOT, James	<i>Athlone</i>	WALLACE, Thomas	<i>Carlowshtre</i>
TALBOT, John H.	<i>New Ross</i>	WALSH, sir John B.	<i>Sudbury</i>
TALBÓT, William H. F. ..	<i>Chippenharn</i>	WALTER, John	<i>Berkshire</i>
TALMASH, Algernon	<i>Grantham</i>	WARBURTON, Henry	<i>Bridport</i>
TANCRED, Henry W.	<i>Banbury</i>	WARD, Henry G.	<i>St. Alban's</i>
TAPPS, George W.	<i>Christchurch</i>	WARRE, John A.	<i>Hastings</i>
TAYLOR, rt. hon. Michael A. ..	<i>Sudbury</i>	WASON, Rigby	<i>Ipswich</i>
TAYLEUR, William	<i>Bridgewater</i>	WATERPARK, lord	<i>Derbyshire</i>
TENNENT, James E.	<i>Belfast</i>	WATKINS, John L. V.	<i>Brecon</i>
TENNYSON, rt. hon. Charles ..	<i>Lambeth</i>	WATSON, hon. Richard	<i>Canterbury</i>
THICKNESSE, Ralph	<i>Wigan</i>	WEDGWOOD, Josiah	<i>Stoke</i>
THOMPSON, Paul B.	<i>Yorkshire</i>	WELBY, Glynne E.	<i>Grantham</i>
THOMSON, rt. hon. Chas. P. {	<i>Dover</i>	WEMYSS, James	<i>Fife</i>
	<i>Manchester</i>	WEYLAND, Richard	<i>Oxfordshire</i>
THROCKMORTON, Robert G. ..	<i>Berks</i>	WHITBREAD, William Henry ..	<i>Bedford</i>
TODD, James Rudell	<i>Honiton</i>	WHITE, Luke	<i>Longfordshire</i>
TOOKE, William	<i>Truro</i>	WHITE, Samuel	<i>Leitrimshire</i>
TORRENS, Robert	<i>Bolton</i>	WHITMORE, Thomas C. ..	<i>Bridgnorth</i>
TOWER, Christopher T.	<i>Harwich</i>	WHITMORE, W. Wolryche	<i>Wolverhampton</i>
TOWNLEY, Richard G.	<i>Cambridgesh.</i>	WIGNEY, Isaac N.	<i>Brighton</i>
TOWNSHEND, lord Chas. F. ..	<i>Tamworth</i>	WILBRAHAM, George	<i>Cheshire</i>
TRACY, Charles H.	<i>Tewksbury</i>	WILKS, John	<i>Boston</i>
TRAIL, George	<i>Orkney, &c.</i>	WILLIAMS, George	<i>Ashton</i>
TRELAWNEY, Will. L. S. ..	<i>Cornwall</i>	WILLIAMS, Robert	<i>Dorchester</i>
TREVOR, hon. Geo. R. ...	<i>Caermarthenshire</i>	WILLIAMS, Thomas Peers ..	<i>Marlow</i>
TROUBRIDGE, sir Edw. T. ..	<i>Sandwich</i>	WILLIAMS, William A. ..	<i>Monmouthsh.</i>
TULLAMORE, lord	<i>Penryn</i>	WILLIAMSON, sir Hedworth	<i>Durham Co.</i>
TURNER, William	<i>Blackburn</i>	WILMOT, sir John E. ..	<i>Warwickshire</i>
TYNTE, Charles Kemys ..	<i>Bridgewater</i>	WILLOUGHBY, sir Hen.	<i>Newcastle, Staff.</i>
TYNTE, Charles J. K.	<i>Somersetshire</i>	WINDHAM, William H.	<i>Norfolk</i>
TYRELL, Chas.	<i>Suffolk</i>	WINNINGTON, sir Thomas ..	<i>Bewdley</i>
TYRELL, sir John T.	<i>Essex</i>	WOOD, Charles	<i>Halifax</i>
VAUGHAN, sir Robt. W. bt.	<i>Merionethsh.</i>	WOOD, George W.	<i>Lancashire</i>
VERNER, William	<i>Armaghshire</i>	WOOD, Matthew	<i>London</i>
VERNEY, sir Harry, bt. ..	<i>Buckingham</i>	WOOD, Thomas	<i>Breconshtre</i>
VERNON, Granville H. ..	<i>East Retford</i>	WROTTESELEY, sir John, bt.	<i>Staffordshire</i>
VERNON, hon. George J. ..	<i>Derbyshire</i>	WYNDHAM, Wadham	<i>Salisbury</i>
VIGORS, Nicholas	<i>Carlów</i>	WYNN, rt. hon. C. W. W.	<i>Montgomerysh.</i>
VILLIERS, visct.	<i>Honiton</i>	WYNN, sir Watkin W. bt.	<i>Denbighshire</i>
VINCENT, sir Francis, bt. ..	<i>St. Albans</i>	YELVERTON, William H. ...	<i>Caernarthen</i>
VIVIAN, John H.	<i>Swansea</i>	YORKE, Charles P.	<i>Cambridgeshire</i>
VIVIAN, sir Richard H. ..	<i>Truro</i>	YOUNG, George F.	<i>Tynemouth</i>
VYVYAN, sir Richard R. ..	<i>Bristol</i>	YOUNG, John	<i>Cavan</i>
WAITHMAN, Robert	<i>London</i>		

SPEAKER,

THE RIGHT HON. CHARLES MANNERS SUTTON.

HOUSE OF COMMONS,

IN ALPHABETICAL ORDER OF COUNTIES, BOROUGH, &c.

Double Returns are marked thus ||

ENGLAND AND WALES.

ABINGDON.
Thomas Duffield.

ANDOVER.
Hen. Arth. W. Fellowes,
Ralph Etwall.

ANGLESEY.
Sir R. B. W. Bulkeley, bt.

ARUNDEL.
Lord Dudley C. Stuart.

ASHBURTON.
W. Stephen Poyntz.

ASHTON-UNDER-LINE.
George Williams.

AYLESBURY.
William Rickford,
Henry Hamner.

BANBURY.
Henry Wm. Tancred.

BARNSTAPLE.
John P. Bruce Chichester,
Chas. St. John Fancourt.

BATH.
Charles Palmer,
John Arthur Roebuck.

BEAUMARIS.
Frederick Paget.

BEDFORDSHIRE.
Lord C. J. Fox Russell,
William Stuart.

BEDFORD.
Wm. Henry Whitbread,
Samuel Crawley.

BERKSHIRE.
Robert Palmer,
Rob. G. Throckmorton,
John Walter.

BERWICK-UPON-TWEED.
Sir Francis Blake, bart.
Sir Rufane Shawe Donkin.

BEVERLEY.
Hon. Charles Langdale,
Henry Burton.

BEWDLEY.
Sir T. E. Winnington, bart.

BIRMINGHAM.
Thomas Attwood,
Joshua Scholefield.

BLACKBURN.
William Feilden,
William Turner.

BODMYN.
William Peter,
Samuel Thomas Spry.

BOLTON-LE-MOORS.
Robert Torrens,
William Bolling.

BOSTON.
John Wilks,
Benjamin Handley.

BRADFORD.
Ellis Cunliffe Lister,
John Hardy.

BRECKNOCKSHIRE.
Thomas Wood.

BRECON.
John Lloyd V. Watkins.

BRIDGENORTH.
Robert Pigot,
Thos. Charlton Whitmore.

BRIDGEWATER.
Chas. K. Kemeys Tinte,
William Tayleur.

BRIDPORT.
Henry Warburton,
John Romilly.

BRIGHTHELMSTONE.
Isaac Newton Wigney,
George Faithfull.

BRISTOL.
Sir R. Rawlinson Vyvyan,
John Evan Baillie.

BUCKINGHAMSHIRE.
Marquess of Chandos,
John Smith,
Geo. Henry Dashwood.

BUCKINGHAM.
Sir Thomas F. Fremantle, bt.
Sir Harry Verney, bart.

BURY.
Richard Walker.

BURY ST. EDMUNDS.
Lord Charles Fitzroy,
Earl Jermyn.

CALNE.
Earl of Kerry.

CAMBRIDGESHIRE.
Charles Philip Yorke,
Richard Greaves Townley,
John W. Childers.

CAMBRIDGE UNIVERSITY.
Rt. hon. Henry Goulburn,
Rt. hon. C. Manners Sutton.

CAMBRIDGE BOROUGH.
Rt. hon. Thos. Spring Rice,
George Prynne.

CANTERBURY.
Hon. Richard Watson,
Visct. Fordwich.

CARDIFF.
John Nicholl, jun.

CARDIGANSHIRE.
William Edw. Powell.

CARDIGAN.
Pryse Pryse.

CARLISLE.
Philip Henry Howard,
William James.

CARMARTHENSHIRE.
Hon. G. Rice Rice-Trevor,
Edward Hamlin Adams.

CARMARTHEN.
Hon. W. H. Yelverton.

CARNARVONSHIRE.
Thos. Assheton Smith.

CARNARVON.
Sir Charles Paget, knt.

CHATHAM.
Wm. Leader Maberly.

CHELTENHAM.
Hon. C. F. Berkeley.

CHESHIRE.
(Northern Division.)
Edward John Stanley,
William Tatton Egerton.
(Southern Division.)
Earl Grosvenor,
George Wilbraham.

CHESTER.
Lord Robert Grosvenor,
John Jervis.

CHICHESTER.
 Lord Arthur Lennox,
 John Abel Smith.
 CHIPPENHAM.
 Joseph Neeld,
 Wm. Henry Fox Talbot.
 CHRISTCHURCH.
 George William Tapps.
 CIRENCESTER.
 Lord Apsley,
 Joseph Cripps.
 CLITHERO.
 John Fort.
 COCKERMOUTH.
 Fretoneville L. B. Dykes,
 Henry Aglionby Aglionby.
 COLCHESTER.
 Daniel Whittle Harvey,
 Richard Sanderson.
 CORNWALL.
 (*Eastern Division.*)
 Sir Wm. Molesworth, bart.,
 Wm. Lewis S. Trelawny.
 (*Western Division.*)
 Edward W. W. Pendarves,
 Sir Chas. Lemon, bart.
 COVENTRY.
 Edward Ellice,
 Henry Lytton Bulwer.
 CRICKLADE.
 Robert Gordon,
 Thomas Calley.
 CUMBERLAND.
 (*Eastern Division.*)
 Rt. hon. Sir J. R. G. Graham,
 William Blamire.
 (*Western Division.*)
 ||| Viscount Lowther,
 Edward Stanley.
 DARTMOUTH.
 John Henry Scale.
 DENBIGHSHIRE.
 Sir W. W. Wynn,
 Robert M. Biddulph.
 DENBIGH.
 John Madocks.
 DERBYSHIRE.
 (*Northern Division.*)
 Lord Cavendish,
 Thomas Gisborne.
 (*Southern Division.*)
 Hon. Geo. John V. Vernon,
 Lord Waterpark.
 DERBY.
 Hon. H. F. C. Cavendish,
 Edward Strutt.
 DEVIZES.
 Wadham Locke,
 Montague Gore.

DEVONPORT.
 Sir George Grey, bart.
 Sir Edward Codrington.
 DEVONSHIRE.
 (*Northern Division.*)
 Viscount Ebrington,
 Hon. Newton Fellowes.
 (*Southern Division.*)
 Rt. hon. Lord John Russell,
 John Croker Bulteel.
 DORSETSHIRE.
 Lord Ashley,
 Hon. W. F. S. Ponsonby,
 Wm. John Bankes.
 DORCHESTER.
 Robert Williams,
 Hon. A. H. Ashley-Cooper.
 DOVER.
 ||| Rt. hon. C. P. Thomson,
 Sir John Rae Reid, bart.
 DROITWICH.
 John Hodgetts H. Foley.
 DUDLEY.
 Sir John Campbell, knt.
 DURHAM.
 (*Northern Division.*)
 Hedworth Lambton,
 Sir H. Williamson, bart.
 (*Southern Division.*)
 Joseph Pease, jun.
 John Bowes.
 DURHAM.
 Will. R. Carter Chaytor,
 Will. Chas. Harland.
 ESSEX.
 (*Northern Division.*)
 Sir John Tyssen Tyrell, bt.
 Alexander Baring.
 (*Southern Division.*)
 Robert Westley Hall Dare,
 Sir Thomas B. Lennard, bt.
 EVESHAM.
 Sir Chas. Cockerell, bart.,
 Thomas Hudson.
 EXETER.
 James Wentworth Buller,
 Edward Divet.
 EYE.
 Sir Edward Kerrison, bart.
 FINSBURY.
 Rt. hon. Robert Grant.
 Robert Spankie.
 FLINTSHIRE.
 Hon. E. M. Lloyd Mostyn.
 FLINT.
 Sir Stephen R. Glynne, bt.
 FROME.
 Thomas Sheppard.

GATESHEAD.
 Cuthbert Rippon.
 GLAMORGANSHIRE.
 Christopher R. M. Talbot
 Lewis W. Delwyn.
 GLOUCESTERSHIRE.
 (*Eastern Division.*)
 Sir B. W. Guise, bart.,
 Hon. Henry G. F. Moreton.
 (*Western Division.*)
 Hon. G. C. G. F. Berkeley,
 Hon. Augustus H. Moreton.
 GLOUCESTER.
 Hon. M. F. F. Berkeley,
 John Phillpotts.
 GRANTHAM.
 Hon. Algernon G. Talmash,
 Glynne Earle Welby.
 GREAT GRIMSBY.
 William Maxfield.
 GREENWICH.
 James Withy D. Dundas,
 Edward George Barnard.
 GUILDFORD.
 James Mangles,
 Charles Baring Wall.
 HALIFAX.
 Rawdon Briggs, jun.
 Charles Wood.
 HALLESTON.
 Sackville Lane Fox.
 HAMPSHIRE.
 (*Northern Division.*)
 Charles Shawe Lefevre,
 James Winter Scott.
 (*Southern Division.*)
 Viscount Palmerston,
 Sir G. T. Staunton.
 HARWICH.
 Rt. hon. J. C. Herries,
 Christopher T. Tower.
 HASTINGS.
 Frederick North,
 John Ashley Warre.
 HAVERFORDWEST.
 Sir R. B. Philipps Philipps.
 HEREFORDSHIRE.
 Sir Robert Price, bart.,
 Kedgwin Hoskins,
 Edward T. Foley.
 HEREFORD.
 Edward Bolton Clive,
 Robert Biddulph.
 HERTFORDSHIRE.
 Sir John S. Sebright,
 Nicholson Calvert,
 Viscount Grimston.

HERTFORD.

Viscount Ingestre,
Viscount Mahon.

HONITON.

Viscount Villiers,
James Rudell Todd.

HORSHAM.

Robert Henry Hurst.

HUDDERSFIELD.

Lewis Fenton.

HUNTINGDONSHIRE.

Viscount Mandeville,
John Bonfoy Rooper.

HUNTINGDON.

Jonathan Peel,
Frederick Pollock.

HYTHE.

Stewart Marjoribanks.

IPSWICH.

James Morrison,
Rigby Wason.

KENDAL.

James Brougham.

KENT.

(Eastern Division.)

Sir Edw. Knatchbull, bart.,
John Pemberton Plumtre.

(Western Division.)

Thomas Law Hodges,
Thomas Rider.

KIDDERMINSTER.

Richard Godson.

KING'S LYNN.

Hon. Ld. G. F. C. Bentinck,
Hon. Ld. Wm. Pitt Lennox.

KINGSTON-UPON-HULL.

Matthew Davenport Hill,
William Hutt.

KNARESBOROUGH.

John Richards,
Benjamin Rotch.

LAMBETH.

Rt. Hon. Chas. Tennyson,
Benjamin Hawes, jun.

LANCASHIRE.

(Northern Division.)

Rt. hon. Ed. G. S. Stanley,
John Wilson Patten.

(Southern Division.)

George William Wood,
Viscount Molyneux.

LANCASTER.

Thomas Greene,
Patrick Maxwell Stewart.

LAUNCESTON.

Rt. hon. Sir H. Hardinge.

LEEDS.

John Marshall, jun.

Thos. Babington Macaulay.

LEICESTERSHIRE.

(Northern Division.)

Chas. March Phillips,
Lord Robert W. Manners.

(Southern Division.)

Henry Halford,
Edward Dawson.

LEICESTER.

William Evans,
Wynn Ellis.

LEOMINSTER.

Rt. hon. Lord Hotham,
Thomas Bish.

LEWES.

Thomas Read Kemp,
Sir Chas. Richard Blunt.

LINCOLNSHIRE.

(Parts of Lindsey.)

Sir Wm. Amcotts Ingilby,
Hon. C. A. W. Pelham.

(Parts of Kesteven and Holland.)

Henry Handley,
Gilbert John Heathcote.

LINCOLN.

George Fieschi Heneage,
Edward G. E. L. Bulwer.

LISKEARD.

Charles Buller, jun.
LICHFIELD.

Sir George Anson,
Sir Edward D. Scott.

LIVERPOOL.

William Ewart,
Viscount Sandon.

LONDON.

George Grote,
Matthew Wood,
Robert Waithman,
Sir John Key.

LUDLOW.

Viscount Clive,
Edward Romilly.

LYME REGIS.

William Pinney.

LYMINGTON.

Sir Harry Neale, bart.
John Stewart.

MACCLESFIELD.

John Ryle,
John Brocklehurst, jun.

MAIDSTONE.

Abraham W. Roberts,
Charles James Barnett.

MALDON.

Thos. Barrett Lennard,
Quintin Dick.

MALMESBURY.

Viscount Andover.

MALTON.

Charles C. Pepys,
Hon. W. C. W. Fitzwilliam.

MANCHESTER.

Mark Philips,
|| Rt. hon. C. P. Thomson.

MARLBOROUGH.

Lord E. A. C. B. Bruce,
Henry B. Baring.

GREAT MARLOW.

Thomas Peers Williams,
William Robert Clayton.

MARYLEBONE.

Edward Berkeley Portman,
Sir William Horne, knt.

MERIONETHSHIRE.

Sir Robert W. Vaughan, bt.
MERTHYR TYDVIL.

Josiah John Guest.

MIDDLESEX.

Joseph Hume,
George Byng.

MIDHURST.

Hon. Frederick Spencer.

MONMOUTHSHIRE.

Right hon. Lord G. C. H.
Somerset,

Wm. Addams Williams.
MONMOUTH.

Benjamin Hall.

MONTGOMERYSHIRE.

Rt. hon. C. W. W. Wynn.

MONTGOMERY.

David Pugh.

MORPETH.

Hon. F. G. Howard.

NEWARK-UPON-TRENT.

Wm. Ewart Gladstone,
William F. Handley.

NEWCASTLE-UNDER-LINE.

William Henry Miller,
Sir H. P. Willoughby, bt.

NEWCASTLE-UPON-TYNE.

Sir Matthew W. Ridley,
John Hodgson.

NEWPORT.

John Heywood Hawkins,
Wm. Henry Ord.

NORFOLK.

(Eastern Division.)

William Howe Windham,
Hon. George Keppell.

Western Division.

Sir W. J. H. B. Folkes, bt.
Sir Jacob Astley, bart.

NORTHALLERTON.

John George Boss.

NORTHAMPTONSHIRE.
(*Northern Division.*)
Viscount Milton,
Lord Brudenell.
(*Southern Division.*)
Viscount Althorp,
William R. Cartwright.
NORTHAMPTON.
Robert Vernon Smith,
Charles Ross.
NORTHUMBERLAND.
(*Northern Division.*)
Viscount Howick,
Lord Ossulston.
(*Southern Division.*)
Thomas W. Beaumont,
Matthew Bell.
NORWICH.
Viscount Stormont,
Sir James Scarlett, knt.
NOTTINGHAMSHIRE.
(*Northern Division.*)
Viscount Lumley,
Thomas Houldsworth.
(*Southern Division.*)
John Evelyn Denison,
Earl of Lincoln.
NOTTINGHAM.
Sir R. Crawford Ferguson,
Viscount Duncannon,
OLDHAM.
John Fielden,
William Cobbett.
OXFORDSHIRE.
George Granville Harcourt,
Richard Weyland,
Lord Norreys.
OXFORD UNIVERSITY.
Thomas G. B. Estcourt,
Sir R. Harry Inglis,
OXFORD, CITY.
James Haughton Langston,
Thomas Stonor, esq.
PEMBROKESHIRE.
Sir John Owen, bart.
PEMBROKE.
Hugh Owen Owen.
PENRYN AND FALMOUTH.
Robert Monsey Rolfe,
Lord Tullamore.
PETERBOROUGH.
Sir Robert Heron, bart.
John Nicholas Fazakerley.
PETERSFIELD.
John George S. Lefevre.
PLYMOUTH.
Thomas Bewes,
John Collier.

PONTEFRACT.
Hon. H. V. S. Jerningham,
John Gully.
POOLE.
Benjamin Lester Lester,
Right hon. sir John Byng.
PORTSMOUTH.
John Bonham Carter,
Francis Thornhill Baring,
PRESTON.
Peter Hesketh Fleetwood,
Hon. Henry Thos. Stanley.
RADNORSHIRE.
Rt. hon. T. F. Lewis.
NEW RADNOR.
Richard Price.
READING.
Charles Fyshe Palmer,
Charles Russell.
REIGATE.
Viscount Eastnor.
EAST RETFORD.
Granville Harcourt Vernon,
Viscount Newark.
RICHMOND.
Hon. Sir R. L. Dundas,
Hon. John Chas. Dundas.
RIPON.
Thomas K. Staveley,
Joshua Saml. Crompton.
ROCHDALE.
John Fenton.
ROCHESTER.
Ralph Bernal,
John Mills.
RUTLANDSHIRE.
Sir Gerard Noel Noel, bart.
Sir Gilbert Heathcote, bart.
RYE.
Edward Barrett Curteis.
ST. ALBANS.
Sir Francis Vincent, bart.
Henry G. Ward.
ST. IVES.
James Halse.
SALFORD.
Joseph Brotherton.
SALISBURY.
William Bird Brodie,
Wadham Wyndham.
SALOP, or SHROPSHIRE.
(*Northern Division.*)
Sir Rowland Hill, bart.
John Cotes.
(*Southern Division.*)
Hon. Robert H. Clive,
Earl of Darlington.

SANDWICH.
Joseph Marryatt,
Sir Edward T. Troubridge.
SCARBOROUGH.
Sir John V. B. Johnstone,
Sir G. Cayley, bart.
SHAFTESBURY.
John Sayer Poulter.
NEW SHOREHAM.
Sir Chas. Merrick Burrell,
Harry Dent Goring.
SHEFFIELD.
John Parker,
James Silk Buckingham.
SHREWSBURY.
Sir John Hanmer, bart.,
Robert Aglionby Slaney.
SOMERSETSHIRE.
(*Eastern Division.*)
William Gore Langton,
Wm. Papwell Brigstrick.
(*Western Division.*)
Edward A. Sanford,
Charles John K. Tynte.
SOUTHAMPTON.
Arthur Atherley,
James Barlow Hoy.
SOUTHWARK.
William Brougham,
John Humphery.
SOUTH SHIELDS.
Robert Ingham.
STAFFORDSHIRE.
(*Northern Division.*)
Sir Oswald Moseley, bart.
Edward Buller.
(*Southern Division.*)
Edward John Littleton,
Sir John Wrottesley, bart.
STAFFORD.
Wm. Fawkener Chetwynd,
Rees Howell Gronow.
STAMFORD.
Thomas Chaplin,
George Finch.
STOCKPORT.
Thomas Marsland,
John Horatio Lloyd.
STOKE-UPON-TRENT.
Josiah Wedgwood,
John Davenport.
STROUD.
William Henry Hyett,
David Ricardo.
SUDBURY.
Sir John Benn Walsh, bart.
Rt. hon. Michael A. Taylor,

SUFFOLK.

*(Western Division.)*Charles Tyrell,
Sir Hyde Parker, bart.*(Eastern Division.)*Lord Henneker,
Robert Newton Shawe.

SUNDERLAND.

Sir Wm. Chaytor, bart.,
Hon. Geo. Barrington.

SURREY.

*(Eastern Division.)*John Ivatt Briscoe,
Aubrey Wm. Beauclerk.*(Western Division.)*Wm. Joseph Denison,
John Leech.

SUSSEX.

*(Eastern Division.)*Hon. Chas. C. Cavendish,
Herbert Barrett Curteis.*(Western Division.)*Lord John G. Lennox.
Earl of Surrey.

SWANSEY.

John Henry Vivian.

TAMWORTH.

Ld. C. V. Ferrars-Townshend.

Rt. hon. sir Robert Peel, bt.

TAVISTOCK.

Lord Russell.
Charles Richard Fox.

TAUNTON.

Henry Labouchere,
Edward Thos. Bainbridge.

TEWKESBURY.

Chas. Hanbury Tracy,
John Martin.

THETFORD.

Hon. Lord James Fitzroy,
Francis Baring.

THIRSK.

Sir Robert Frankland, bart.

TIVERTON.

John Heathcote,
James Kennedy.

TOTNESS.

James Cornish,
Jasper Parrot.

TRURO.

Rt. hon. Sir R. H. Vivian,
William Tooke.

TOWER HAMLETS.

Stephen Lushington,
William Clay.

TYNEMOUTH.

George Frederick Young.

WAKEFIELD.

Daniel Gaskell.

WALLINGFORD.

William S. Blackstone.

WALSALL.

Chas. Smith Forster.

WAREHAM.

John Hales Calcraft.

WARRINGTON.

Edmund G. Hornby.

WARWICKSHIRE.

*(Northern Division.)*Sir John Eardley Wilmot,
Wm. Stratford Dugdale.*(Southern Division.)*Sir Gray Skipwith, bart.
Sir G. Philips, bart.

WARWICK.

Hon. Sir C. J. Greville,
Edward Bolton King.

WELLS.

Norman Lamont,
John Lee Lee.

WENLOCK.

Hon. G. C. W. Forester,
James Milnes Gaskell.

WESTBURY.

Sir Ralph Lopes, bart.

WESTMINSTER.

Sir Francis Burdett, bart.
Rt. hon. sir J. C. Hobhouse.

WESTMORELAND.

||| Viscount Lowther.
Hon. Henry Cecil Lowther.

WEYMOUTH & MELCOMBE

REGIS.

Thomas Fowell Buxton,
Sir Geo. Fred. Johnstone.

WHITBY.

Aaron Chapman.

WHITEHAVEN.

Matthias Attwood.

WIGAN.

Ralph Thicknesse,
Richard Potter.

ISLE OF WIGHT.

Sir Richard Godin Simeon.

WILTON.

John H. Penruddocke.

WILTSHIRE.

*(Northern Division.)*Paul Methuen,
Sir J. D. Astley, bart.*(Southern Division.)*John Benett,
Hon. Sidney Herbert.

WINCHESTER.

Paulet St. John Mildmay,
William Bingham Baring.

WINDSOR.

John Ramsbottom,
Sir Samuel J. B. Pechell.

NEW WOODSTOCK.

Marquess of Blandford.

WOLVERHAMPTON.

Wm. Wolryche Whitmore,
Richard Fryer.

WORCESTERSHIRE.

*(Eastern Division.)*Wm. Congreve Russell,
Thomas Henry Cookes.*(Western Division.)*Hon. Thos. Henry Foley,
Hon. Henry B. Lygon.

WORCESTER.

T. H. Hastings Davies,
Geo. R. Robinson.

CHIPPING-WYCOMBE.

Hon. Robert John Smith,
Hon. Charles Grey.

GREAT YARMOUTH.

Hon. George Anson,
Charles Edmund Rumbold.

YORKSHIRE.

*(North Riding.)*Hon. Wm. Duncombe,
Edward S. Cayley.*(East Riding.)*Richard Bethell,
Paul Beilby Thomson.*(West Riding.)*Viscount Morpeth,
George Strickland.

YORK.

Hon. Edward R. Petre,
Samuel Adlam Bayntun.

SCOTLAND.

ABERDEENSHIRE.

Hon. Wm. Gordon.

ABERDEEN.

Alexander Bannerman.

ARGYLESHIRE.

James Henry Callander.

AYRSHIRE.

Richard Alex. Oswald.

AYR, &c.

Thomas Francis Kennedy.

BANFSHIRE.

George Ferguson.

BERWICKSHIRE.

Charles Marjoribanks.

BUTESHIRE.

Charles Stuart.

CAITHNESS-SHIRE.

George Sinclair.

CLACKMANAN AND
KINROS-SHIRES.
Charles Adam.
CUPAR, &c.
Andrew Johnston, jun.
DUMBARTONSHIRE.
John Campbell Colquhoun.
DUMFRIES-SHIRE.
John James H. Johnstone.
DUMFRIES, &c.
Matthew Sharpe.
DUNDEE.
George Kinloch.
DYSART, &c.
Robert Ferguson.
EDINBURGHSHIRE.
Sir John H. Dalrymple.
EDINBURGH.
Rt. hon. Francis Jeffrey,
Rt. hon. Jas. Abercromby.
ELGINSHIRE AND NAIRN.
Hon. Francis W. Grant.
ELGIN, &c.
Andrew Leith Hay.
FIFESHIRE.
James Wemyss.
FORFARSHIRE.
Hon. D. G. Haliburton.
GLASGOW.
James Ewing,
James Oswald.
GREENOCK.
Robert Wallace.
HADDINGTONSHIRE.
James Balfour.
HADDINGTON, &c.
Robert Steuart.
INVERBERVIE, &c.
Horatio Ross.
INVERNESS-SHIRE.
Rt. hon. Chas. Grant.
INVERNESS, &c.
John Baillie.
KINCARDINESHIRE.
Hon. Hugh Arbuthnot.
KIRKCUDBRIGHT.
Robert Cutlar Fergusson.
KIRKWALL, &c.
James Loch.
LANARKSHIRE.
John Maxwell.
LEITH, &c.
John Archibald Murray.
LINLITHGOWSHIRE.
Hon. Sir Alex. Hope.
LINLITHGOW, &c.
William Downe Gillon.

ORKNEY and SHETLAND-
SHIRES.
George Trail.
PAISLEY.
Sir John Maxwell, bart.
PEEBLESHIRE.
Sir John Hay, bart.
PERTSHIRE.
Earl of Ormelie.
PERTH.
Laurence Oliphant.
RENFREWSHIRE.
Sir Michael Shaw Stewart.
RENFREW, &c.
John Dunlop.
ROSS AND CROMARTY-
SHIRES.
Jas. A. Stewart Mackenzie.
ROXBURGHSHIRE.
Hon. George Elliott.
SELKIRKSHIRE.
Robert Pringle.
STIRLINGSHIRE.
Hon. C. E. Fleming.
STIRLING, &c.
Lord Dalmeny.
SUTHERLANDSHIRE.
Roderick M'Leod.
WIGTONSHIRE.
Sir Andrew Agnew, bart.
WIGTON, &c.
Edward Stewart.

IRELAND.

ANTRIMSHIRE.
Earl of Belfast.
Hon. John R. Bruce O'Neil.
ARMAGHSHIRE.
Viscount Acheson,
Wm. Verner.
ARMAGH.
Leonard Dobbin.
ATHLONE.
James Talbot.
BANDON-BRIDGE.
Hon. W. Smythe Bernard.
BELFAST.
Lord Arthur Chichester,
James Emerson Tennent.
CARLOWSHIRE.
Walter Blackney,
Thomas Wallace.
CARLOW.
Nicholas Vigers.
CARRICKFERGUS.
Conway Richard Dobbs.

CASHELL.
James Roe.
CAVANSHIRE.
Henry Maxwell,
John Young.
CLARE.
Wm. Nugent M'Namara.
Charles O'Brien.
CLONMEL.
Dominick Ronayne.
COLERAINE.
Sir John Poe Beresford, bt.
CORKSHIRE.
Feargus O'Connor.
Samuel Barry.
CORK CITY.
Daniel Callaghan.
Herbert Baldwin.
DONEGALSHIRE.
Sir Edmund S. Hayes, bt.
Edward Michael Conolly.
DOWNSHIRE.
Lord Arthur Hill.
Viscount Castlereagh.
DOWNPATRICK.
John Maxwell.
DROGHEDA.
Andrew C. O'Dwyer.
DUBLINSHIRE.
Christopher Fitzsimon,
George Evans.
DUBLIN CITY.
Daniel O'Connell,
Edward Southwell Ruthven
DUBLIN UNIVERSITY.
Thomas Lefroy,
Frederick Shaw.
DUNDALK.
William O'Reilly.
DUNGANNON.
Hon. John James Knox.
DUNGARVAN.
Hon. George Lamb.
ENNIS.
Francis Macnamara.
ENNISKILLEN.
Hon. Arthur Henry Cole.
FERMANAGHSHIRE.
Mervyn Archdall,
Viscount Cole.
GALWAYSHIRE.
James Daly,
Thomas Martin.
GALWAY.
L. M'Laughlin.
A. Lynch.
KERRYSHIRE.
Frederick William Mullins,
Charles O'Connell.

KILDARESHIRE.
Edward Ruthven,
Richard More O'Ferrall.

KILKENNYSHIRE.
Hon. Pierce Butler,
William Francis Finn.

KILKENNY.
Richard Sullivan.

KING'S COUNTY.
Nicholas Fitzsimon,
Lord Oxmantown.

KINSALE.
Colonel Stawell.

LEITRIM.
Samuel White,
Viscount Clements.

LIMERICKSHIRE.
Hon. R. Hob. Fitzgibbon,
Hon. Standish O'Grady.

LIMERICK.
William Roche,
David Roche.

LISBURN.
Henry Meynell.

LONDONDERRYSHIRE.
Sir Robert Bateson, bart.
Theobald Jones.

LONDONDERRY.
Sir Robert A. Ferguson, bt.

LONGFORDSHIRE.
Luke White,
James Halpen Roche.

LOUTHSHIRE.
Thos. Fitzgerald,
Richard M. Bellew.

MALLOW.
Thomas Dant.

MAYO.
John Browne,
Dominick Browne.

MEATHSHIRE.
Henry Grattan,
Morgan O'Connell.

MONAGHAN.
Hon. C. Davis Blaney,
Louis Perrin.

NEWRY.
Lord Marcus Hill.

PORTARLINGTON.
Thomas Gladstone.

QUEEN'S COUNTY.
Sir Chas. Henry Coote, bt.

ROSCOMMONSHIRE.
Dennis O'Connor,
Fitzstephen French.

NEW ROSS.
John Hyacinth Talbot.

SLIGOSHIRE.
Edward Joshua Cooper,
Alexander Perceval.

SLIGO.
John Martin.

TIPPERARY.
Hon. Corn. O'Callaghan,
Richard Lawlor Sheil.

TRALEE.
Maurice O'Connell.

TYRONESHIRE.
Hon. Hen. T. Lowry Corry,
Sir Hugh Stewart, bart.

WATERFORDSHIRE.
John Matthew Galway,
Sir Richard Keane, bart.

WATERFORD CITY.
William Christmas,
John Barron.

WESTMEATH.
Montague L. Chapman,
Sir Richard Nagle, bart.

WEXFORDSHIRE.
Robert Shapland Carew,
Henry Lambert.

WEXFORD.
Charles Arthur Walker.

WICKLOWSHIRE.
James Grattan,
Ralph Howard.

YOUGHALL.
James O'Connell.

The NUMBER of MEMBERS sent by each County, &c. to Parliament.

Bedfordshire	4	Huntingdonshire	4	Suffolk	11
Berkshire	9	Kent	18	Surrey	11
Buckinghamshire	11	Lancashire	26	Sussex	18
Cambridgeshire	7	Leicestershire	6	Warwickshire	10
Cheshire	10	Lincolnshire	13	Westmoreland	3
Cornwall	14	Middlesex	14	Wiltshire	18
Cumberland	9	Monmouthshire	3	Worcestershire	12
Derbyshire	6	Norfolk	12	Yorkshire	37
Devonshire	22	Northamptonshire	8		
Dorsetshire	14	Northumberland	10		471
Durham	10	Nottinghamshire	10	Wales	29
Essex	10	Oxfordshire	9	Scotland	53
Gloucestershire	13	Rutlandshire	2	Ireland	105
Hampshire	19	Shropshire	12		
Herefordshire	7	Somersetshire	15	Total	658
Hertfordshire	7	Staffordshire	17		

Members for ENGLAND and WALES 500
 SCOTLAND 53
 IRELAND 105

TOTAL..... 658

OFFICERS OF STATE.

(JANUARY, 1833.)

MINISTRY OF ENGLAND.

Earl Grey	<i>First Lord of the Treasury (Prime Minister).</i>
Viscount Althorp.....	<i>Chancellor and Under Treasurer of the Exchequer.</i>
Lord Brougham	<i>Lord High Chancellor.</i>
Marquess of Lansdown	<i>Lord President of the Council.</i>
Lord Durham	<i>Lord Privy Seal.</i>
Viscount Melbourne	<i>Secretary of State for the Home Department.</i>
Viscount Palmerston	<i>Secretary of State for Foreign Affairs.</i>
Viscount Goderich	<i>Secretary of State for the Colonial Department.</i>
Rt. hon. Sir J. R. G. Graham	<i>First Lord of the Admiralty.</i>
Lord Auckland	<i>Master of the Mint.</i>
Rt. Hon. Charles Grant	<i>President of the Board of Control.</i>
Duke of Richmond	<i>Postmaster General.</i>
Lord Holland	<i>Chancellor of the Duchy of Lancaster.</i>
Lord John Russell	<i>Paymaster of the Forces.</i>
Hon. Edw. G. S. Stanley. ..	<i>Chief Secretary for Ireland.</i>
Earl of Carlisle	

The above form the Cabinet.

Right Hon. Sir J. Hobhouse	<i>Secretary at War.</i>
Sir James Kempt.....	<i>Master General of the Ordnance.</i>
Duke of Devonshire	<i>Lord Chamberlain.</i>
Marquess Wellesley.....	<i>Lord Steward.</i>
Earl of Albemarle	<i>Master of the Horse.</i>
Marquess of Winchester	<i>Groom of the Stole.</i>
Viscount Duncannon	<i>First Commissioner of Land Revenue.</i>
Rt. Hon. Charles P. Thomson	<i>Treasurer of the Navy, and Vice President of the Board of Trade.</i>
Sir William Horne, knt.	<i>Attorney General.</i>
Sir John Campbell, knt.	<i>Solicitor General.</i>

MINISTRY OF IRELAND.

Marquess of Anglesey	<i>Lord Lieutenant.</i>
Lord Plunket	<i>Lord High Chancellor.</i>
Lieut.-Gen. sir R. H. Vivian	<i>Commander of the Forces.</i>
Right Hon. Fras. Blackburn	<i>Attorney General.</i>
Philip Crampton, Esq.	<i>Solicitor General</i>

As in adverting to any Proceedings in Parliament, the Reader must have frequent occasion to refer to "HANSARD'S PARLIAMENTARY HISTORY," and to the Series of "HANSARD'S PARLIAMENTARY DEBATES;" the subjoined TABLES, which exhibit at one view the period comprised in each volume of those Works, will be found very useful.

A CHRONOLOGICAL TABLE

Shewing the A. D. and the A. R. in which the
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HANSARD'S PARLIAMENTARY HISTORY
respectively commence and conclude.

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	VI	1 ANNE	1702	.. 13 ANNE	1714
	VII	1 GEO.	I 1714	.. 8 GEO.	I 1722
	VIII	9 —	— 1722	.. 6 GEO.	II 1733
	IX	6 GEO.	II 1733	.. 10 —	— 1737
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A CHRONOLOGICAL TABLE

Shewing the A. D. and the A. R. in which the
Volumes of the Series of
HANSARD'S PARLIAMENTARY DEBATES
respectively commence and conclude.

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* ANALYTICAL PARLIAMENTARY DIGEST
to the above 66 Volumes.

Third Series.

VOL.	I—II—III	1 WILL.	IV 1830/1
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HANSARD'S

Parliamentary Debates

*During the FIRST SESSION of the ELEVENTH PARLIAMENT
of the United Kingdom of GREAT BRITAIN and
IRELAND, appointed to meet at Westminster,
29th January, 1833,
in the Third Year of the Reign of His Majesty
WILLIAM THE FOURTH.*

First Volume of the Session.

HOUSE OF LORDS,
Tuesday, January 29th, 1833.

OPENING OF PARLIAMENT.] Parliament was opened by Commission for the despatch of public business. The Lords Commissioners were the Lord Chancellor, Earl Grey, the Duke of Richmond, the Marquess of Lansdown, and Lord Auckland.

The Lord Chancellor said, he had to inform the noble Peers present that his Majesty, not thinking fit to open Parliament in person, had caused a Commission under the Great Seal to be issued for opening the House. Was it their Lordships' pleasure that the Commons should be summoned to their Lordships' Bar, to hear the Commission read?

Question agreed to.

The proper Officer accordingly summoned the House of Commons to hear the reading of the Commission. About 150 Members appeared in a few moments, headed by the Clerks of the House and other Officers.

The Lord Chancellor: Gentlemen of the House of Commons—His Majesty, not thinking fit to be present in person at the opening of Parliament, has been graciously pleased to cause Letters Patent under the Great Seal to be issued, constituting us and several other Lords his

VOL. XV. { Third }
 { Series }

Commissioners for opening this Parliament. The Commission will be read by the Clerk.

The Commission having been read, His Lordship proceeded. He had it in command from his Majesty to inform them, that as soon as the Members of both Houses were sworn, his Majesty would declare in person the cause of calling together this present Parliament. To the Gentlemen of the House of Commons, he further said, that it was necessary before proceeding to business, that they should choose a Speaker, and that it was his Majesty's pleasure that they should immediately proceed to their usual place of meeting, and choose from among themselves a fit and proper person to be Speaker, and should present him in this House on Thursday at two o'clock, for his Majesty's approval.

The Members of the lower House retired.

The Lord Chancellor first took the oath, and was followed by several other Peers.

HOUSE OF COMMONS,
Tuesday, January 29th, 1833.

The Act for abolishing the oaths to be taken before the Lord Steward having come into operation, no oaths were taken

before the Members assembled, and a great number was present when the House was summoned to the House of Peers.

At half past two o' clock, the Gentleman Usher of the Black Rod came and announced that the Lords, authorised by his Majesty's Commission to open the Parliament, requested the attendance of the Commons. The Chief Clerk, followed by Lord Althorp and the Ministers, with other Members, obeyed the summons, and soon afterwards returned. No announcement was made to the House. The Chief Clerk took his place at the head of the Table.

CHOICE OF A SPEAKER.] Mr. *Hume* rose to ask whether it was the intention of his Majesty's Ministers to bring in a Bill to alter the Act for granting an Annuity to the late Speaker, on his retirement from the Chair? That was a subject of great importance.

Lord *Althorp* said, he was sorry to interrupt the hon. Member, but he must rise to order. It was against all usage and custom, he believed, to enter upon business. They were not entitled to enter into any discussion except that for electing the Speaker.

Mr. *Hume* proceeded: He would, then, take that opportunity of referring to the election of the Speaker, and he would call the attention of the House to that subject. That now appeared to him to be a measure of the utmost importance which the House could attend to, and he was well aware that, in calling their attention to it, he was undertaking a duty which was personally unpleasant. It was, however, a public duty, and he craved the indulgence of the House while he stated the reasons why it appeared to him especially necessary that the individual elected to that high and confidential situation should enjoy the complete confidence and good opinion of the House, and of the country at large. He was aware that it had been customary to make arrangements for the election of Speaker by the different parties of the House before the actual election, and that the Ministerial arrangements for that nomination, were generally agreeable to the judgment, and met the approbation of the majority, and that it was a common proceeding for such previous arrangements to meet the concurrence and be supported by the opinion of the House. On that ground it might be

considered presumption on his part to offer an opinion on the subject, and much more when he concluded, as he meant to conclude, by proposing an individual whom he conceived capable of filling the Chair with honour, and deserving of the confidence of the House and the country. It might be necessary at times to agree to such a previous arrangement, but it was not proper on this occasion. They had met under peculiar circumstances; they had met at a time when, the public attention was peculiarly directed to their proceedings, more so, he believed, than on any occasion of which he had read in history. They were bound, on the part of the country, to elect a man who should not only be capable of performing the ordinary duties of Speaker, but who enjoyed the confidence of the majority of the House, and whom the House would be ready to support. He ought, as nearly as possible, to represent the opinions entertained by the majority of the House. The Speaker was frequently called upon to inflict censure, or to express approbation in the name of the House; and he, therefore, should be, by his feelings and opinions, connected with the majority of the House, or it could not be expected that he would do justice to their sentiments and wishes. On that principle it was usual for the majority of the House, to nominate some person whose political opinions and feelings were known to accord with those of the majority of the House, and whose opinions were likely to meet with the approbation of the people at large. On no occasion, he would venture to say, did the people take a greater interest in their proceedings—on no occasion had they had so large a share in the representation—on no occasion was it more necessary than on the present, that the gentleman nominated for Speaker should enjoy the confidence of the majority of that House and the country—and on no occasion was the House ever placed in a more difficult situation than at present, with regard to the person to be elected to the high office in question. He would candidly state to the House the grounds on which he made this Motion. He did not state them officially, for he had had no communication with Ministers on this subject, but he was informed, on authority which he had no reason to doubt, that an arrangement had been concluded, to which Ministers had agreed, and in

which it was hoped that all, or the great majority of the House would concur, to propose the right hon. Charles Manners Sutton as Speaker. In mentioning the name of that right hon. Gentleman, he felt bound to say that no man ought to speak of him in terms of greater respect than he (Mr. Hume); no man ought to speak, and all had cause for speaking well, in higher terms than he ought, of the urbanity and uniform kindness which he had experienced from that right hon. Gentleman. When he considered the great urbanity of the late Speaker's manners, the attention he had received from him—from one so highly situated as was the Speaker of that House—he should always feel grateful for his behaviour. In undertaking the task which had fallen on him, therefore, he hoped that the House believed that he was actuated by nothing but a sense of public duty. But there were occasions when public duty made men violate private feelings, and certainly, on public questions, all private feelings must yield to that paramount sense of the duty which every Member of that House owed to his country, and his constituency. He had no hesitation in saying, that all private considerations were in favour of the right hon. Gentleman, whose courtesy in giving him his support in public business, both in that House and out of that House, merited his regard: and he hoped that no Gentleman would suppose that what he was about to do was actuated by any feeling of hostility. It was quite the contrary; he was impelled solely by a sense of duty and he hoped and trusted that, whatever might be the result, no difference would take place in the conduct of the right hon. Gentleman towards him. Under the circumstances of the present moment, he must call on the House, not only to consider what had been the practice on former occasions, but what ought to be their conduct on the present occasion. Their acts were all open to animadversion, and every Member ought to be prepared to state the reasons which guided his vote, and be prepared, without hesitation, to justify all his proceedings. It was impossible for him, from the interest he took in those deep-rooted opinions, which were, he believed, directly the opposite to those embraced by the right hon. Gentleman, whose opinions had been openly avowed—and to whom he gave the credit of being honestly convinced

that those opinions, and the actions they dictated, were calculated to promote the happiness of the country—it was impossible for him, in giving credit to the right hon. Gentleman, and his party, for the sincerity of their convictions, not to express a hope that they would give him equally credit for the same sincerity in the proposition he meant to make, and that it was made from no other motives than those of the public good. He was one of those who had always advocated Parliamentary Reform, not only as a great and important measure of itself, but as a means to effect those further important changes which were necessary to give that relief to the people which they expected, and for which they had sought Reform. Unless further alterations were made, they would not receive those advantages to which they were so well entitled from the exertions which they had made to obtain their rights. To obtain all these advantages, it was necessary to have a Speaker who should represent the opinions of the majority of the House. If such were not the case—if a Speaker should be chosen who was not an advocate for Reform, how could he (Mr. Hume), an advocate for Reform, believing, too, that the majority of that House were Reformers, and prepared to fulfil the wishes of their constituents—how could he believe that the majority of that House would have their feelings and sentiments properly represented by one who was not a Reformer; and how could they feel themselves justified in giving their votes to one to represent them who did not, in fact, represent their opinions. It was possible, among the varied duties which a Speaker might have to perform, which could make it proper that the right hon. Gentleman should represent the opinions of the majority, it was possible, that circumstances might arise, when the Gentleman who filled that situation might have to support the principles of Reform. Certainly the right hon. Gentleman (Mr. Manners Sutton) might express sentiments in accordance with the usages of the House, but not in accordance with the sentiments and views of those who were of opinion that other measures were necessary to secure the benefits of the important change which had been made. He could not bring himself to think that it was not of great importance that the individual who filled the Chair of that

House, should not be of the political opinions of the majority of the House, and should not have their full confidence. He considered it most important, when the public were looking anxiously at their proceedings, that the public should be satisfied by their choice, and that there should be no compromise of principle in placing an individual to preside over their deliberations, who did not agree in opinion with the majority of the House. It was proper to elect an individual who entertained opinions coinciding with those of the majority, which would give him a better chance of executing well the difficult duty of expressing what was really the opinion of the House. Otherwise it was possible, on all difficult questions, it might be doubted whether he justly expressed the opinions of the House, and did justice to its proceedings. He challenged any Gentleman present to produce an instance of a large body of men, who assembled to deliberate, placing at their head, and giving power to regulate their proceedings, and to preserve order in their business, a man who was opposed in his opinions to the majority. No instance could be found, of men electing, as president or chairman, an individual who professed opinions directly contrary to the opinions professed by the majority. He meant to make no reflections on the opinions of the right hon. Gentleman, who had manfully maintained his principles; but he could not think it his duty, to place in a situation of confidence, a Gentleman who professed opinions directly opposite to those opinions, which, he believed, were professed by the majority. The times were full of difficulty. He believed that circumstances might arise, which would require a man of no ordinary firmness, and a man entertaining opinions like the majority, as the agent and organ of the House. He contemplated, as possible, a difference of opinion between that House and the House of Peers, and when it would be most important that the rights of that branch of the Legislature, which were the rights of the people should be supported; and would not the House—would not the people think that their rights might be endangered, and the exercise of them impeded, and that confusion might ensue from having as their organ, a man whose sentiments did not accord with the sentiments of the nation. He did not say that this would be the case; he hoped it

would not; but when he considered that it was possible—that there was a great probability even, of disputes, arising, he must say that it was necessary to have an individual to fill the Chair, whose opinions accorded with those of the people, while he possessed the other requisite qualifications. The right hon. Gentleman who had so long filled the Chair, was eminently qualified by his talents for that situation. He did not object to him on the score of his abilities, but he was anxious to see if he could not find another individual, as well qualified as the right hon. Gentleman, and who, during the long struggle for Reform, had maintained those principles which the Ministers had propagated, and the people supported. He wished that House, which represented the people, to elect a man who had acted as if he thought the Reform proper, and who had been elected by a large majority; he might almost say, unanimously returned to Parliament, by a constituency who desired Reform. There were such men, men who had not indeed been tried in that situation, but had shown themselves in other situations capable of performing all the duties of the Speaker of that House. On understanding that there was a proposition to re-elect the late Speaker, and thinking, for the reasons he had stated, that it was inconsistent with the duty he owed to a Reformed Parliament to support such a proposition, he had turned round to see in whom he could place confidence, and in whom the House and the country could place confidence, if raised to the dignity of Speaker. At one time, he considered that it would be sufficient if he expressed his dissent from the nomination proposed, leaving the House to decide whether it would or would not support his views, and in case it had supported them, then only proposing the individual whom he thought was likely to obtain the confidence of the House and the country. Looking, however, to the usual practice in such cases, and more narrowly to the qualification of individuals, and judging that it would be preferable to name the individual he thought qualified, to merely negating the proposition, he meant, before sitting down, to put into nomination one of the hon. members for the county of Stafford. In his opinion, that individual was quite fit for the station, though he would candidly confess, that he did not come, in every respect, quite up to the

mark. He hoped, as he had been heard so far, and heard while he expressed an opinion rather unfavourable to the hon. Gentleman, that he might be further heard, while he showed the grounds of his approbation. He would candidly state his opinion, and explain the reasons for it. The experience of the hon. Member, his qualifications, and his high standing, fitted him, both publicly and privately, for the important situation. Besides the hon. Member's high standing, he had had great experience in all the business of that House; he had been concerned in most of its important debates, and he knew no man, who, session after session, and day after day, had so closely attended to those important duties, to understand which was the first qualification to enable any hon. Member to fill the important situation of Speaker in that House. If he might judge from the experience previously obtained by other Gentlemen before they became Speakers, he must say, that he could not find one who had had equal experience in, and who had paid equal attention to, the business of Parliament, both public and private, to the hon. Member for Staffordshire. The hon. Member's services were sufficient to recommend him. As regarded the standing of the hon. Member, he had been sent into Parliament by the almost unanimous voice of a county; and a man representing such a constituency was, in his opinion, peculiarly proper to express the opinion of the people, and be the organ for expressing the opinions of the House. In firmness of mind and experience, he was satisfied that the hon. member for Staffordshire would not be deficient. Finding that many others entertained the same decided notions of his fitness to discharge the important duties of a Speaker, he (Mr. Hume) thought he might be excused if he dwelt no longer on that part of the subject. There was, however, another consideration deserving of notice—the station of the hon. Member in life. As he (Mr. Hume) hoped that no future Speaker would be found to apply for a retiring pension, the fortune and station of a candidate for that office were not indifferent things, when his qualifications came to be estimated. In confirmation of his (Mr. Hume's) views, he might refer to the recorded opinions of the right hon. member for Tamworth, and those of Mr. Bragge Bathurst, who had taken an active part in the election of Mr.

Abbot in 1806, and with whose sentiments those of the right hon. Baronet coincided. After having stated their sentiments to the House, he would put it, whether their choice ought not to fall on one of whose political principles they approved. The right hon. Baronet, after alluding to the great importance of the office, and to several of its duties, went on to observe; “But those duties of the Speaker, which are discharged within our walls constitute but a small, and not the most important part of the great functions committed to him. Not only is he selected for the guardian of our own rights; we also select him for the performance of duties in which the people at large are no less interested than ourselves—duties, the execution of which must affect even the remotest posterity. We do not select him merely to make a formal demand of those rights and privileges, which were claimed and asserted by our ancestors, which are as much ours as our lives and general liberties—no, we select him as the sentinel, to guard against all slight encroachments on our privileges, to detect those trivial departures from established forms, which are the more dangerous, because, from their apparent want of importance, they are likely to escape attention, and because the danger to be apprehended from them seems to be too remote to demand an immediate interference. The necessity of providing a check against such contingencies is pointed out by reason and history. It has been well remarked, that in all free, and, of course, complicated governments, at some period or other, cases would occur when the interests of the different established orders of the State would clash, and questions would arise on the particular privileges of each. Without the exertion of unremitting vigilance, it is impossible to guard against encroachments, pregnant with the most dangerous consequences.”* In the same speech, the right hon. Gentleman had also the following remark:—“Whatever may be his talents and attainments, I consider it absolutely necessary that he should possess the confidence of the House. That confidence, no rank, no talents, no attainments can command; while we bow with ready deference to high integrity, and lofty-minded independence.”† Further on, the right hon. Baro-

* Hansard, vol. xxxix. p. 5.

† Ibid. p. 8.

net said, "If there be any office in the appointment to which it is peculiarly desirable that purity and excellence of private character should be attended to, it is that of Speaker of the House of Commons; an office, the powers of which, are often exercised amidst the warmth of party-feeling; exercised in the approbation of honourable actions, and the censure of base ones; exercised (it ought never to be forgotten) where the votes of the House are so nearly divided, that we intrust to the Speaker the right of giving force and validity to our resolutions, and of imparting the whole weight of law, to what would otherwise be merely waste-paper."* He would ask the hon. Members who were reformers, and who reviewed the conduct of those who were called anti-reformers, whether, after hearing those sentiments, they could support one whose opinions were directly opposed to their own? No man could for an instant dispute the necessity of choosing a person who should have the full confidence of the House and of the country. But it was impossible that the people could feel confidence in an individual who was opposed, though no doubt, most conscientiously opposed, to those reforms which they had so anxiously and still desired, and which they believed essential to their welfare. Was it then, possible that the people of England could have confidence in the proper discharge of the duties of the House, if the House of Commons this day should elect the right hon. Charles Manners Sutton as Speaker? He confessed that for his part, he could not have confidence in it. He judged of others by his own feelings; and if the House elected a decided anti-reformer to fill the Chair, was it to be supposed that the people of England would be satisfied with such an election? It would be impossible for the House to commit itself more against the general feeling of the country, by any step it might take, than by making this appointment; and it was but justice to the right hon. Baronet, to say, that in the speech already alluded to, he had comprised all the duties connected with that high station, and all the views that could be taken of the qualifications necessary to fill it. It would, he repeated, be impossible to satisfy the people by the choice of an anti-reformer as the Speaker, presiding over the Members whom they

had returned. They would look upon it as the result of fear of the anti-reformers in the other House, or a compromise between two parties. He could not allow himself to sit in that House, and witness such a compromise, without raising his voice against it. Heregretted some of the steps which had been taken by Ministers, to carry into effect some of their measures by the hands of others; and when he saw what took place in some parts of the country, where the whole weight of official influence had been used to oppose these measures, he was sorry that they had not learnt the lesson, which such circumstances ought to have taught them. Would it not excite dissatisfaction, that Ministers by a sort of compromise, should thus give up the only honourable appointment which was in the gift of the people, all other appointments being in the hands of the Crown? The present appointment, then, involved principles of the highest importance, and the great question was, whether, under the Reform measure, the Reformed House of Commons would place in their Chair an individual, whose opinions were known to be against the various and important changes that had been effected, and were in progress towards the relief the country expected. Was it possible to reconcile any man's mind to the sincerity of those, who held out to the hopes of the people their desire to carry into effect all the advantages of the Reform Bill, if they placed in the Chair a person whose opinions were directly opposed to the Bill and to all its consequences? On the contrary, it would be taken for granted that little was to be expected from the Representatives of the people of England, if they permitted one to be placed in the Chair, who, however impartial he might be, was known to entertain opinions hostile to those professed by the great majority of the Members, and on account of which they had been returned to Parliament. He had been told since he entered the House, that if he opposed the re-appointment of the late Speaker, it would be supposed he acted contrary to the principles of economy which he had hitherto advocated, and that, by opposing the election of the right hon. Manners Sutton, he would be saddling the country with an additional burthen, in the pension to be paid to the right hon. Gentleman on his retirement, but which would be saved to the public as long as he sat as Speaker. If he could

* Hansard, vol. xxxix. p. 8.

believe that any such paltry or trifling consideration actuated the mind of any one, when the forwarding or the retarding of the interests of the people was at stake, he certainly should think that Gentleman had formed erroneous notions of the principles of economy. He considered such a principle beneath the notice of any individual Member, and unworthy of the dignity of the House. He had never refused any individual full compensation for the duties he had rendered to his country; but he had always opposed giving idle and useless persons large sums, dragged from the pockets of the people, by excessive taxation; and it must only have been some of those persons, feeling the effect of that line of conduct on his part, who had raised that report. But he had been informed of a difficulty which had arisen, and which, if it were as he had heard it, could not be made too generally known, as it would put the question of economy in the re-election of the right hon. Gentleman quite at rest. He had not seen the late Act, but he had been informed that, according to its wording, if the House should now elect the right hon. Gentleman as Speaker, he would still be entitled to his pension of 4,000*l.* a-year. The annuity was to cease, only on his getting an appointment from the Crown, but this was an appointment from the people. Let not hon. Members deceive themselves then, by the notion, that in voting for the re-election of the right hon. Charles Manners Sutton they were giving a vote in favour of economy. On the grounds he had stated, he thought the hon. member for Staffordshire was entitled to the votes of the House, in preference to the right hon. Gentleman opposite. If they were in all other respects equal, he thought the hon. member for Staffordshire would, on public grounds, be entitled to the votes of a Reformed House of Commons, concurring as he did, in opinion with the majority of its Members. Having, therefore, expressed the view which he had taken of the situation in which the House was placed, he felt it to be his duty, without further observation, to propose "that Edward John Littleton, Esq., be placed in the Chair of this House."

Mr. O'Connell seconded the motion.

Lord *Morpeth* said, that in rising to select from amongst the hon. Members who surrounded him an individual worthy to preside over their proceedings, he felt

that the situation in which he was placed was one of great delicacy, as well as of great honour, and to which he should never unasked have aspired. He could not, however, consider the request that had been made to him when he was called on to come forward on this occasion, in any other light than as a just compliment to the large body of whom he was, within those walls, the Representative. In approaching, as he would, at once, the object which he had risen to advocate, he felt both what was due to himself and what was imposed on him by a sense of duty in pursuing the course which he meant to adopt, and he was sure that the person whom he was about humbly to recommend to the votes of the House for the honourable situation of Speaker would be the last to grudge him the fair and honest avowal which in the first instance, he felt himself called on to make. He confessed that strong feeling of a public nature had, at one time, induced him to contemplate a different course of proceeding; but the circumstances to which he thus briefly alluded had not arisen; his fears had not been well founded; and therefore he now turned, with pleasure, to the right hon. gentleman who, for sixteen years, and in six Parliaments, had filled the arduous post of Speaker, with so much credit to himself, with so much benefit to the House, and with so much satisfaction to the public. He called on the House, without meaning any disparagement to the claims of the hon. member for Staffordshire—he called on the House again to secure for itself the benefit of the continuance of those services which had been already so fully appreciated, and so warmly recognized, by all parties. The hon. member for Middlesex had himself admitted, with much candour, that the right hon. Gentleman had always been actuated by a conscientious desire to do his duty. That duty was, to preside fairly, candidly, and impartially over the business of that House. That duty, it was admitted on all hands, had been satisfactorily performed; and therefore he thought that the objection, the sole objection, made by the hon. member for Middlesex, that the right hon. Gentleman did not hold the same political opinions with the majority of that House, was on this occasion by no means a forcible or appropriate objection. He was of opinion that that circumstance was rather in favour of the right hon. gentle-

man, since he had shown that, whatever might be his political sentiments, he did not allow them to bias his conduct as a public functionary. It was always irksome to indulge in panegyric in the presence of its object; he, however, felt himself considerably relieved from that difficulty in this instance by referring to what took place shortly before the close of the last Parliament. It would be remembered, that when the Speaker of the House at that time announced the probability of his retirement from the Chair, his able and upright conduct while he filled the office was acknowledged by the special declaration of those who were best qualified to judge of it, and that opinion was re-echoed by the universal acclamations which burst from all parts of the House—as well from those who had been present during his whole career, as from those whose experience had begun at a later period, and been chiefly acquired in long, and painful, and harassing contentions. But one opinion was expressed—but one opinion prevailed—with respect to the conduct of the right hon. Gentleman. Undeviating regularity, constant attention to the duties of his arduous office, and courtesy, without servility, had ever distinguished his career. These were qualities great in themselves, but they were absolutely invaluable in such an office as Speaker of that House. The whole tenour of his conduct was worthy of the highest praise. Since he had occupied that elevated situation, the bulk and importance of parliamentary business had enormously increased. That which was called “private business,” and which came under the immediate cognizance and supervisal of the Speaker, had been immensely enlarged. He might mention, as a proof of this fact, the adoption of the system of rail-roads throughout the country. This actually created a new branch in that department of business. The right hon. Gentleman had, in considering those projects, a difficult and delicate task to perform. He had to look both to the promotion of public improvement, and to the protection of private rights. In all these matters, and in those of graver import, which aroused the feelings, or affected the destiny of nations, he was ever found to be accessible and clear in communicating information. So just were his principles of action, that interest, vanity or party spirit could scarcely repine at his decisions. Intemperance

of feeling was rebuked and abashed by his determined but polished firmness. What, then, were the circumstances in which they were placed? The individual thus unanimously judged to be so admirably qualified for the situation of Speaker, to whose merits his opponents bore the most unbiassed testimony, was willing again to assume that important office. They saw amongst them the right hon. Gentleman, ready, with undiminished fitness, to re-assume the post which he had so long adorned. More laborious exertions than those which the right hon. Gentleman had undergone could not, he was convinced, be required from any Speaker, and he felt convinced, that any attempt to facilitate the business of that House must begin by some alleviation of that constant and indispensable attention which was now required from that functionary. He should be unwilling, on an occasion when unanimity was so desirable, to introduce topics, or to touch upon subjects, that could disturb such unanimity; he should, however, observe that, looking to the change which had taken place in the constitution of Parliament, the source of so much hope to some, of displeasure to others, and to all a matter of such extensive speculation, it was most advisable, for expediting the business of the House, for securing regularity, and maintaining order, that they should borrow all the assistance in their power from a Gentleman of long practical experience, and tried ability. He therefore should propose to the House to devote to its service all that valuable experience, and all those enviable attainments, which were now within its reach. He was of opinion that the most skilful repair of the vessel, unless assisted by the knowledge and aptitude of the pilot, would not produce all those beneficial effects which the people were led to expect. He believed that, with whatever defects former Parliaments might be chargeable, few would be found to say that the forms of proceedings which generally prevailed in them were not those calculated to expedite business. If the right hon. Gentleman were again placed in the chair, he would bring into exercise all the advantages afforded by former Parliaments and by long experience. He, therefore, with all deference, had the honour to move—“That the right hon. Charles Manners Sutton do take the chair of the House as Speaker.”

Sir *Francis Burdett* said, he took the liberty, on this occasion, of rising thus early to address the House, in order that he might, in the first place, have the satisfaction of expressing his entire concurrence in all that had been said by the noble Lord; though, at the same time, the observations of the noble Lord placed him in a situation of considerable embarrassment, since the noble Lord seemed to have touched upon every point connected with the subject in so eloquent a manner as rendered it imprudent for any Gentleman to follow him. The noble Lord had pointed out, with great propriety, those grave and weighty considerations to which the House was bound to attend on the present occasion. The observations of the hon. member for Middlesex also made it difficult to add anything to what he himself had advanced, although he must confess that the hon. Member had taken a position which he had little expected him to occupy. As he viewed the question, he took it that this was a case to be decided on its abstract merits, and not to be disposed of by private regard or partial feeling. The only consideration which ought to weigh with the Members of that House was, who amongst them could they select as the most fit to fulfil the important functions attached to the office of Speaker? At a time of difficulty in the eyes of all—a time of embarrassment and danger in the eyes of many—but to him a time of hope and satisfaction—at such a time, they were called on to say who should fill the Chair of the first Reformed Parliament. Surely that situation should be filled by a person whom they could depend on; not by one of whom they might prophesy what he might be likely to do, but by one of whom, guided by previous experience, they could confidently foretell the future conduct; by one, of whom, for sixteen years, the conduct had been the theme of constant panegyric by every person who had, on any occasion, come in contact with him, and by none had he been more warmly praised than by the hon. member for Middlesex. That was a solid ground of preference to which no untried excellence could lay any claim. The speech of that hon. Member, in which he bore such ample testimony to the merits of the right hon. Gentleman, reminded him of the passage in Scripture, where Balak calls on Balaam to curse his enemies.

The prophet proceeded to the top of a mountain, but instead of dealing in curses, he meted out blessings. Then “Balak said unto Balaam, What hast thou done unto me? I took thee to curse mine enemies, and behold thou hast blessed them altogether.” He defied the wit of man to find a more decided proof of the fitness of any man for an office than the panegyric of the hon. member for Middlesex. The right hon. Gentleman, according to the showing of the hon. Member, possessed all those qualifications which were necessary for the efficient performance of the duties of Speaker. The hon. Member admitted that the right hon. Gentleman was perfectly qualified for the situation of Speaker, but he meant to oppose him on one point, and on one point only,—namely because he differed in his political opinions from the hon. Member, and from other individuals in that House; but Gentlemen would recollect the conduct of the right hon. Gentleman during the great struggle for reform, when he made no distinction between one Member and another of the House. The hon. member for Middlesex said, he was convinced that the right hon. Gentleman had conducted himself in the Chair equally and impartially—that he was ever ready to aid Members with his advice, privately with reference to private bills, and publicly with regard to public bills, without making any distinction whatever. To all the Members of that House, at all times, whether in or out of the Chair, the right hon. Gentleman was ready to give advice when advice was wanted. Young Members, especially in “private business,” could always avail themselves of the right hon. Gentleman’s advice and assistance. That which was denominated “private business,” though out of sight, formed by far the most important part of the Speaker’s duty. It was a vulgar opinion that the Speaker had nothing to do but to preside in his robes, seated in his easy chair, over the debates of that House. Such, in common conception, was the great duty of the Speaker. But those who adopted that opinion knew nothing of the difficulties which were inseparable from the situation. It was necessary that the Speaker should be acquainted with all the forms of Parliament, with all the *minutiae* of the various proceedings that came before it. How the various duties of the office were executed

by the right hon. Gentleman, the House at large and indeed every individual Member of the late Parliament, were the approving judges. It seemed to him to be trespassing unnecessarily on the time of the House thus to allude to those feelings and sentiments of approbation which were expressed and echoed on all hands. He felt that he was somewhat in the situation of the man who, at a public meeting at Rome, suddenly rose to pronounce a furious panegyric on Hercules. He was, however, cut short by one of the audience, who exclaimed *Quis vituperavit?* Who has found fault with Hercules? He, in the same manner, would ask, who had found fault with the right hon. Gentleman? Let the merits of the hon. Gentleman whom the hon. member for Middlesex would substitute as Speaker in the place of the right hon. Gentleman—let his merits be what they might, still he was not a fit competitor with that right hon. Gentleman. He meant not to disparage that hon. Member's abilities, but he would say, that neither he nor any other Member of that House could be a just competitor with the right hon. Gentleman, allowing the moral and intellectual qualities of each party to be equal, because the right hon. Gentleman's long practical experience in the situation put all competition entirely out of the question. It would be idle and unbecoming in him to take up the time of the House further than to state the pleasure, the gratification, and the honour which he felt in seconding the nomination of the right hon. Gentleman, and he was sure that the House would not lose the present opportunity of doing justice to themselves and him by electing and placing him in that elevated situation.

Mr. *Littleton* said, that under ordinary circumstances he would have suffered others to speak before him, but standing in the situation of an unwilling candidate, he hoped the House would allow him to address a few observations to it. It was impossible for him to express too strongly the honour which he felt at the manner in which the hon. member for Middlesex had put him in nomination to fill the office of Speaker of that House; he hoped, however, that neither the hon. Member, nor any other individual, would take offence when he begged of the hon. Member to spare him and the House the pain of going to a division on this subject. Had his representations been attended to, he should

never have been placed in competition with a Gentleman, whose long experience of sixteen years in office, whose conduct, public and private, in that arduous situation had endeared him to every person with whom he had any communication. How far a Speaker ought to be the real representative of the opinions of the House, was a question on which he would not enter; but this much he would declare, that never since 1817, when he had supported the election of Mr. *Manners Sutton*, had that Gentleman ceased to be the continued assertor of the rights and privileges of the Commons. Indeed, he firmly believed that the right hon. Gentleman would rather err in defending than surrendering them. In reference to the question of economy, which had been raised, in support of the re-election of the late Speaker, on the supposition that such an event would be a saving to the country, by the amount of the pension which the munificence of the last Parliament had awarded to his services, he must say, that he agreed with the hon. member for Middlesex, that it was totally undeserving consideration in a question of such great importance as that of determining who was to be Speaker of the Reformed House of Commons. On the right hon. Gentleman's services alone was his claim to their support founded; and he considered that his past services were the best guarantee for his future conduct. Placed as they were, on this occasion, in a House of Commons containing so many new Members, and in which they were likely to have the most constant attendance, it was especially advantageous that they should elect a Gentleman, whom sixteen years constant practice in the discharge of its duties had rendered completely master, both of the principles and practice of his office, and who was not only extensively acquainted with the recorded decisions of that House, but had a perfect knowledge of its forms and usages. The unexampled patience and urbanity of the right hon. Gentleman were the constant themes of praise amongst all his contemporaries, and of gratitude amongst those numerous individuals who at different times were indebted to him for directions and instruction. He took, therefore, the earliest opportunity of entreating his hon. friends, now that they had availed themselves of what, probably, they considered the most convenient mode of declaring the grounds of their political

opposition, to concur with the almost unanimous feeling of the House—unanimous, indeed, from personal considerations alone—and place that right hon. Gentleman in the Chair without a division.

Mr. O'Connell said, he must object to the proposition of the last speaker, that the Motion should be withdrawn without a division. It was of great importance that the people of England should know who were the parties to this transaction, and who were opposed to it. He considered this as another instance of that paltry truckling on the part of the present Administration towards their ancient enemies, which had already afforded such frequent subjects of complaint. He concurred with his right hon. friend the member for Middlesex, that this was a contest of principle—a contest between the principle of Reform on the one hand, and the principle of Toryism on the other. If the elevation of Toryism were a subject of such trifling importance as the hon. Baronet seemed to consider it, he knew not to what purpose the long and busy life of that Member had been devoted. The whole object of that life, he understood, had been to put down Toryism; and yet now they found him advocating, in his place in Parliament, the doctrine that it was immaterial whether the chief officer of that House was a Tory in principle or not. On that single ground he rested the question. He admitted the extreme fitness of the right hon. Gentleman proposed by the noble Lord to be Speaker of an Unreformed House of Commons. Personally he felt himself much indebted to that right hon. Gentleman for the courteous assistance which he had received at his hands. When he first took his seat in Parliament, indeed, assailed on the one hand by the open opposition of those who then occupied the Treasury Benches, and the perhaps equal but more concealed hostility of those who sat on that side of the House; he must confess that he did not receive so much support from that right hon. Gentleman as he thought himself entitled to. His explanations were cut short; but he had forgotten it all in the subsequent treatment which he experienced. The useful information and assistance which the right hon. Gentleman was at all times ready to give him in the discharge of his parliamentary conduct, more than compensated for any grievance such as that to which he had alluded. He

agreed with the hon. Baronet, and with the noble Lord, in their remarks on the personal qualities of the right hon. Gentleman; and for the Speaker of an Unreformed House of Commons, he thought no man could be more fit. He was an accomplished, intelligent Gentleman, who had great—almost miraculous facility, in expressing the sentiments of that House on every occasion, however arduous, and who was perfectly ready to meet any demands that might be made upon his time. But the credit of his Majesty's Ministers was at stake in this matter. The public were much disappointed when it found them seeking every opportunity of thrusting their political enemies into places and offices of great power and importance. They should stand by their friends, and leave their enemies to shift for themselves. It was once said of one of our Monarchs, that he treated his enemies like friends, and his friends like enemies. It appeared as though the present Ministers were following that mischievous example. However, they should have future opportunities of talking on that subject at greater length; for he doubted not, from the disposition they had already evinced, that his Majesty's Government would give abundant cause for similar censure. He put the present question entirely on the Toryism of the right hon. Gentleman, and he would say, that if it was contended on the one side that the fitness of the right hon. Gentleman had been admitted, even by his friend the member for Middlesex, on the other hand, no one had ventured to utter one word impugning the extreme fitness of the hon. member for Staffordshire. He would defy any one to state a single ground of objection to that Gentleman's qualifications. He was possessed of great parliamentary experience, and was well acquainted with all the routine of private business. Touching the orders and proceedings of that House he was full of knowledge, which he was capable of communicating with a readiness, clearness, and ability, which he exhibited on all occasions. He also possessed one eminent quality—that of candour. He had known him entertain one opinion on entering the House, but his good sense had subsequently induced him to yield conviction to the arguments of those who had viewed the question in a different light. Thus he was convinced at he had one quality of great minds—that of perfect candour, in addition to

the other high qualities of which he was possessed. No man existed who was in all respects more qualified to sit as Speaker of the House of Commons. There was a considerable degree of fitness and equality in both the Gentlemen; and the true question, therefore, was, whether they were to have for the Speaker of the Reformed House of Commons a Tory or a Reformer? He had considered that the grand advantage of the Reform Bill was to put down Toryism in England—that vile and abominable system, which existed by the plunder of the people, and by the usurpation of their rights. No family had enjoyed the fruits of that system more than the family of the right hon. Gentleman. They had possessed several rotten boroughs; they had numerous nominees in the House; and he should like to know of what use the Reform Bill would be, if Tories and Tory connexions were still to be predominant; and if the principles which directed old Parliaments were still to guide the councils of the new. If, indeed, the right hon. Gentleman had reformed himself—if, like many Tories, who, at the late election, had their reforming principles for the first time awakened on coming before a real constituency—if the right hon. Gentleman had found out that he had been a dormant Reformer all his life-time—then ‘all objection would be at an end. His opposition was not personal, but to the right hon. Gentleman’s principles; the effect of his election under such circumstances being to make Toryism triumphant. What large sums of money had not his family received for the performance of very small services. In speaking of small services he, of course, did not allude to the right hon. Gentleman himself. He had rendered actual services—his duties were of the most arduous nature—he worked harder than an unfortunate labourer, or even a child in a cotton factory. No man could come down to that House more honestly and fairly, or animated by a purer spirit to perform the duties of his office more fully and fairly than the right hon. Gentleman. But he referred to his family as one, than which none had received more of the public money for less service. There was one individual of that family who had occupied a high office in Ireland for twenty years, to the utter dissatisfaction of every human being in that country, and for which he had received 250,000*l*. That

individual, by force of his connexions, was raised to the office of Solicitor General; but so deficient was he in talent, that notwithstanding the great power of his family they could not raise him to a higher office than that which was generally considered a retreat for incapables, the office of Puisne Baron of the Exchequer. Bad as he was, however, he was thought good enough to be made Lord Chancellor of Ireland, and so he continued for 20 years. It was stated that fifty per cent of the decrees of Lord Manners had been reversed; he was aware that the amount had been denied, but such was, he believed, the fact. This was the system which he wanted to put down, and the Reformed Parliament would be good for nothing if it did not put it down. Were they still to continue in the ancient state of drudgery—were the Ministry to nominate the Speaker—arrange who should second—and then shout down all who presumed to oppose them? If there were no other objection than that this was a Ministerial arrangement, that circumstance would have great weight in his mind [*a laugh*]. He was glad to hear the Treasury laugh. It sounded in the same tone as the laugh which used to proceed from the Treasury Benches of an Unreformed Parliament, when any man dared to assail the then Lords of the Ascendant, and venture an opposition to their high behests. The object of Reform, however, was to dethrone these Lords, and make them simple Members of the House, counting man for man with the rest of its Members. How far the placing a Gentleman of Tory principles in that Chair was likely to satisfy the public might easily be anticipated. The people had been struggling almost to rebellion and revolution to get rid of the Tory faction, and now the Reformed House of Commons was about to take it up. The Ministry—the Reforming Ministry—had made the regular arrangements. They were, of course, afraid that the right hon. Gentleman would be proposed by the Tories. They sent the offer of the situation, which, of course, was quite unexpected, and which, when offered, was politely accepted. And then they went out of their way, not to promote a friend, but a political enemy. They were sure to get the votes of the Conservatives on the occasion to swell their numbers, and the newspapers of to-morrow would blazon forth the grand Ministerial majority. The

strength of Ministers would be promulgated on the Stock Exchange, and the Jews would rejoice in anticipation of a rise of two or three per cent. Ministers might felicitate themselves on such a coalition; they might felicitate themselves on their successfully dictating to the House; they might flatter themselves on such a mode of gaining a majority, but he should not be doing his duty, did he not protest against it *in limine*. With regard to the laugh which had been raised against his hon. friend, when he deprecated the introduction of economy into this discussion, as if he were deserting his principles, he begged it to be remembered that the laugh proceeded—from whom? Why, from the Treasury Benches—from the very men who proposed to grant the pension of 4,000*l.* per annum for the life of the right hon. Gentleman, with a reversion of 3,000*l.* per annum to his son. That grant was an enormous abuse of the public money; and he hoped the time would shortly come, when a parliamentary inquiry would be instituted into the right of an Unreformed House of Commons to vote away the money of the people to Members of the House itself; and that an inquiry should also be instituted into what sums of the people's money the great-Oligarchical families had been suffered to put into their pockets. The public demanded this of the Reformed Parliament; and in the name of the people he would require it at their hands. But reverting to the question of economy—the right hon. Gentleman's pension had, according to the Act of Parliament, already commenced, and he was entitled to have received two quarters—one on the 1st of October, and the other on the 5th of January. It had commenced, therefore; and having once commenced, the Act of Parliament was express, that it must continue during the term of his natural life. There was a proviso, in the eighth section that the one-half of the pension was to be forfeited if the right hon. Gentleman accepted any office under the Crown. The appointment of Speaker of that House was, however, not an office under the Crown; for the acceptance of any such office, as was well known, invariably cost a Member his seat. Probably Ministers might believe—indeed, he himself believed—that the right hon. Gentleman himself would be inclined to make sacrifices. Still, as the laws stood at present, the re-election

of the right hon. Gentleman would not save the country one farthing of his pension; and, therefore, his supporters had no right to twit the member for Middlesex, or those who took part with him, with any want of economy. The question, therefore, stood before them, purely on the merits of the respective candidates. He objected to the right hon. Gentleman, as unfit from his political sentiments, to be Speaker of a Reformed House of Parliament. The hon. member for Staffordshire yielded nothing to him in point of talent. In his judgment indeed—perhaps it might be impugned—the hon. member for Staffordshire seemed to display a greater degree of intellect, and to possess a higher order of mind than the right hon. Gentleman, whilst his principles were most undoubted. The noble member for Yorkshire boasted—perhaps a little vanity of that kind was pardonable—of the number of his constituents. He believed, though he was not certain that he was quite accurate, but he believed that he represented the feelings of as large a portion of the population of this Empire as the noble Lord himself, and in their name he protested against this step as an abandonment of reforming principles, as a relapse into Toryism, as a following up of one of the worst practices of the Unreformed Parliament—that of the Ministerial party making their own arrangements—and then voting down the people by the aid of a Conservative majority. He would venture to prophesy that was not the last time they would see that combination. “Coming events cast their shadows before.” Reports had long been going about, that a junction was to be formed to put a stop to the progress of Reform, and to the amelioration of our institutions. Amelioration—did he say—he begged pardon. The right hon. member for Lancashire had declared the Reform measure to be final; and the noble member for Northamptonshire had also pronounced a similar decree. [Lord Althorp denied this.] He begged pardon, he only spoke from the statements which he read in the newspapers. The noble Lord was there represented as upholding the finality of the Reform Bill, and in order to facilitate that event, the principle of Toryism was to be consecrated, by placing a Tory in the Chair of that House.

Lord Ebrington said, that he could not help regretting that upon such an occasion as the present, the hon. member for Dublin

should have indulged in the topics which appeared to be something like personal reflections on the connexions of the right hon. Gentleman who had been now proposed for their choice, and he was sure that the House would pardon him in saying that, whatever might have been the public conduct of the persons in question, such conduct could not be laid to the account of the right hon. Gentleman, and such topics had no relation whatever to the question now before the House; and, to say the least of it, it would have been more in accordance with good taste and propriety to have omitted them. With regard to the immediate question now before them, he would confess that upon no occasion had he ever felt less difficulty in coming to a conclusion, and that conclusion he need scarcely add, was in favour of the Motion for the re-election of the right hon. Gentleman the member for the University of Cambridge. It would be quite unnecessary for him to trouble the House with any observations in support of the propriety of that re-election, but having been a Member of the House of Commons during the sixteen years which that right hon. Gentleman had presided over it, and having had, for several years previously, (for so long he was sorry to say, had he been a Member of that House), an opportunity of comparing the right hon. Gentleman's conduct with that of his predecessor, he could not refrain from expressing his cordial concurrence in everything which had fallen from the noble Lord and from the hon. Baronet (Sir Francis Burdett), respecting the merits and the qualifications of the right hon. Gentleman. He was happy to bear his humble testimony, in conjunction with theirs, as well to the ability with which that right hon. Gentleman had discharged the important duties of his office, as to the uniform candour, strict impartiality, and undeviating courtesy which he had always evinced—qualities which had secured for him upon all former occasions, as well as upon the present, the applause and approbation of all parties in that House—of his political opponents as well as of his political and personal friends. He could not, therefore, avoid congratulating this, the Reformed House of Commons, upon the opportunity which it had of selecting for its President, as he hoped it would, a person who, by long experience, was so admirably fitted to fill the situation, and who had, while occupy-

ing it, conciliated the respect of all who had seen him in it. He was sure that the right hon. Gentleman would, if advanced to the high honour which he (Lord Ebrington) trusted would be again conferred upon him—namely, that of being chosen to preside over an assembly of the real Representatives of the people, discharge the duties of his office with advantage to the House and to the country; and he was confident that the conduct altogether of the right hon. Gentleman in that situation would do as much honour to himself, and as much credit to the House of Commons, as it had previously done to other and former Houses very differently constituted from that to the Chair of which the right hon. Gentleman was now he trusted about to be called. He could not sit down without offering the humble tribute of his praise to the merits, and—compared with those of any other individual except the right hon. member for the University of Cambridge—he would say the unequalled merits of his hon. friend the member for Staffordshire, and his fitness for the situation of Speaker of that House; but he was sure that his hon. friend would be the first to acknowledge, that he detracted in no way from the respect which he entertained for his public character and public merits, when he postponed his claims to those of an individual who had for so long a period, and in such an efficient manner, presided over the House; and he was equally certain that his hon. friend cordially concurred in the opinion of, he believed, the great majority of the Members of that House as to the propriety of that right hon. Gentleman's re-appointment.

Mr. *Tennyson* confessed, that since he first had the honour of a seat in that House, he had never found himself placed under circumstances of greater pain and difficulty, and embarrassment, than he was upon the present occasion, for though he concurred in all that had fallen from his hon. friend the member for Middlesex, he could not support his Motion; and though he felt as strongly impressed as any Member present with the great merits and valuable qualifications of the right hon. Gentleman whose re-election to the office of their Speaker was now proposed, he could not but regret that they should be driven to such an alternative. As he could not support the Motion of his hon. friend the member for Middlesex, he hoped that the House would allow him to state the rea-

sons which had induced him to come to a different determination from his hon. friend. He certainly agreed with his hon. friend that it was desirable that, in a Reformed House of Commons, such as we now had, the individual who presided over it should be one whose sentiments in a great degree harmonized with the sentiments and the general public opinion of the people of England. His hon. friend had said, that a Speaker of a Reformed House of Commons should be one who entertained sentiments that harmonized with the majority of the Members of that House, and of the people of the country at large; and he (Mr. Tennyson) perfectly coincided in the justice of that observation; but he would beg to remark, that as yet they did not know what were the sentiments of the right hon. Gentleman the member for the University of Cambridge, and they were in ignorance as to whether his sentiments harmonized or not with the sentiments and opinions of the people of England. He should be as anxious as his hon. friend the member for Middlesex to place in the Chair of a Reformed House of Commons an individual whose opinions agreed with those of the people at large, and he would wish to know what was the reason that such an opportunity had not been afforded to them upon the present occasion? He would wish to know whether there was any truth in those reports and rumours which had been glanced at by his hon. friend the member for Dublin—whether it could be true that the Ministers of the Crown had presumed to negotiate with any one as to who should preside over that free Parliament? He could not bring himself to believe such rumours, for if he did, he should feel himself obliged to withdraw from his Majesty's Ministers that general support which it was his intention to give them; and, for his part, he would say, that he did not know any offence, that would better deserve impeachment than such an interference on the part of the servants of the King as to who should be the person to preside over the deliberations of that House; and he was quite sure that no man would agree in that opinion with him more readily than the right hon. Gentleman who sat below him, and who had so lately and so worthily filled the Chair of that House. He (Mr. Tennyson) should like to see the Ministers of the Crown distinctly disclaim the truth of such rumours. He should like to have

heard that the right hon. Gentleman whose re-appointment they were now discussing had ere this been elevated to a still higher and more honourable situation—a seat in the other House—which the long services of a laborious life had amply earned for him, and he should have felt grateful, in common with all those who had witnessed them, to that right hon. Gentleman for the impartiality, the courtesy, and the firmness which had uniformly marked the discharge of his public duties. It certainly, under all the circumstances of the case, struck him (Mr. Tennyson) with great surprise that that right hon. Gentleman should have appeared again in that House, but, finding him there, he (Mr. Tennyson) found it impossible to compare the qualifications of any untried Member with those which that right hon. Gentleman possessed for filling the office of Speaker of the House of Commons. He could not say that he wanted confidence in the right hon. Gentleman; he had, on the contrary, the most perfect confidence in him. He was quite sure that that right hon. Gentleman would embody the sentiments of that House, as it would be his duty to do, even though they should be repugnant to his own. He had always seen that right hon. Gentleman stand forward to support the rights and privileges of that House, and he was quite sure that such would continue to be the conduct of that right hon. Gentleman if he should be again called to fill the high office of Speaker of that House. He should like to know how far his hon. friend the member for Staffordshire deserved to be proposed, as his hon. friend the member for Middlesex had proposed him, for the selection of the House, as a Gentleman, who in his mind, represented the feelings of the people of England? He believed that his hon. friend, the member for Staffordshire, was as much opposed as the right hon. Gentleman could be to those measures which he (Mr. Tennyson) and his hon. friend the member for Middlesex, and others, held to be necessary for the perfecting of the measure of Reform; for the hon. member for Staffordshire was one of those, he believed, who held that the Reform Bill was to be a final measure; and, entertaining that opinion, it was not to be expected that his vote would be in favour of any of the measures required, as the people considered, for completing that measure. Under such circumstances, he should have

he has also a house besides, as well as allowances for clerks, and numerous other perquisites. Can any one say, under these circumstances, that the services of the Speaker are not amply paid by the salary which he receives while he holds the office? Is there any man who thinks that a salary equal to that which the United States consider sufficient for their President, is not sufficient for the President of the House of Commons? The right hon. Gentleman has been for sixteen years in the office of Speaker; he has received every year a salary of 6,000*l.*; he has thus taken from the starving people of England, Scotland, and Ireland, sixteen times 6,000*l.*; he has had besides very considerable emoluments over and above all this. Has the House, then, calling itself the Representative of the people of England, Scotland and Ireland, any right to saddle this country with a salary superior to that of the President of the United States—a salary greater than the income of the Chief Magistrate of a nation containing 10,000,000 of freemen? Yet it is a fact that the President of the United States has no greater salary than that of the late Speaker of the House of Commons. It is my opinion, that if these things were well sifted (and I shall take care that they be well sifted shortly)—it is my opinion that this House alone, with its attendants, officers, door-keepers, and so forth, costs this country more than the whole of the civil and political government of the United States of North America, even including its ten ambassadors to the different Courts of Europe. Let me call the attention of the House to the newness of the position in which they are at this moment placed, and to the effect which will probably be produced on the public mind, should their first act go to throw an additional burthen on the country. We may well believe, that the opinion of the country will not be very favourable to us, if such should be the case, when we take into consideration what the people have said on the subject of pensions in every one of their petitions on the subject of Reform; and it will not be very gracious to set out, in the face of the people's reiterated prayers, by saddling the country with one pension more. The right hon. Baronet (Sir Francis Burdett) who has seconded the nomination of the right hon. Charles

Manners Sutton for Speaker, knows very well the nature of the petitions on the subject of Reform, for he had to do with a good many of them. I can safely declare, that in all my life, ever since I began to pay attention, in any considerable degree, to political matters of the kind (and that is a good while ago), I can safely say, that I do not remember one single petition, from first to last, on the subject of Parliamentary Reform, to which a petition for the Abolition of Pensions was not appended. I defy any Member to produce one petition in which this was not the case—one petition, I say, on the subject of Parliamentary Reform, in which the petitioners omitted a reform of expense, as the object of the former Reform. I defy the noble Lord (Lord Morpeth) to point out one such petition, presented during the last five-and-twenty years. Financial Reform was never forgotten; when it was prayed that the abuses which had crept into the Constitution should be removed, that prayer was invariably coupled with one for the removal of those burthens, which had been unjustly imposed on the people of this country—I mean every single pension which is not fully merited by services to the country. This is, in fact, what the people had uppermost in their minds, when they spoke on the subject of all other Reform. It would be ill answering their expectations, if a Reformed House were to commence its labours by imposing an additional burthen. What! will a Reformed House of Commons continue to make the poor man pay forty times as much for articles of consumption as the rich man, in proportion to his means? According to Cocker—I will bring them to Cocker—let them apply to Cocker, and Cocker will tell them that the poor man pays forty times as much tax on some sorts of articles as the rich man does. But not only does the right hon. Gentleman seek to take this pension of 4,000*l.* himself, but to continue to his son too a little pension of 3,000*l.* for his life also, all for services performed during sixteen years, for which services the father has already been fully and amply remunerated. During these years, the right hon. Charles Manners Sutton received about 100,000*l.* for the performance of his duties as Chairman of the House of Commons; and now the country has to pay pensions for two lives, which, reckoning these lives to last a reasonable time, may enable them (father and

son) to receive 200,000*l.* more. With their pockets already crammed with the people's money, they must pocket twice as much more. Depend upon it, Mr. Ley [the Clerk of the House, who presides before the Speaker is chosen], that if the people of this country are to be peaceable and quiet, they must learn to love us as children love their parents. We must be both kind and just to them. Is this, then, the way in which the House is to show the people that they can depend upon them? Are we about to tell the over-taxed people—the people who are in a state of starvation and of suffering, as my hon. colleague will show the House hereafter, such as cannot be described—a state that no one could believe unless he saw it, while the people are paying 5*s.* per pound, instead of 1*s.* 3*d.*, for tea;—are we about to tell that people that no relief is to be expected from us, as we shall in effect do, if the first Act of this House be the placing that man in the Chair, who has already received such large sums of the public money? The noble Lord (Lord Althorp) has talked as if it were in the power of Government to cause the payment of this pension to cease. He spoke as if he could drive a bargain with the right hon. Gentleman, and make a contract with him, that should he be re-elected his retiring pension should cease. The late Parliament bestowed 4,000*l.* a-year on their Speaker, at his retirement from office, and 3,000*l.* a-year for his son, or any male heir, I suppose. It was an Act of Parliament that bestowed these pensions, and nothing can rescind it but another Act of Parliament; and, in my opinion, the noble Lord is quite mistaken as to the meaning of that Act. I will ask the hon. member for Ireland (I don't recollect the particular place, just now, that he is Member for, and I call him, therefore, the member for Ireland),—I ask, then, the hon. member for Ireland (Mr. O'Connell), who is a lawyer, whether there must not be another Act of Parliament before the pension can be rescinded? It is a bargain—he has got a contract; and nothing can take the pension away but another Act of Parliament. How much honesty, moderation, and merciful consideration of the people there was, in a transaction by which he was rewarded for filling his late situation for sixteen years, by losing 6,000*l.* a-year on his retirement, and receiving 4,000*l.* instead, for doing nothing, I will not now stop to consider. He

has got his hand in the people's pockets, and he will not soon draw it out. The noble Lord thinks the pension will cease on his being re-elected; but depend upon it it will not cease. What is the situation, then, in which the House is now placed, with respect to this appointment? If the right hon. Charles Manners Sutton should be re-elected, as apparently he will be: (I know nothing of the right hon. Gentleman's qualifications, for I never saw him in his Chair in my life, and know nothing at all about him),—if he be re-elected, the House tells the people that their hopes will be disappointed, because the people will judge of their future conduct from their appointment of a man who has driven such bargains with the money of the people. Such an appointment shall not receive my assent; and there are, I have no doubt, a good many others who will not agree to it. Suppose the right hon. Gentleman to be appointed Speaker of this House; if the House chose, it could not then undo the appointment. The right hon. Gentleman might go immediately and sell his pension, which he may do if he chooses—he may go this afternoon and sell it as an annuity for life, if he chooses to do so. Will the House consent to injustice so flagrant? Are we going to say to the nation, look up to this man, with his pockets crammed with the people's money, as the Speaker of the Reformed House of Commons—as the first Commoner of England? Is this the way in which you are to tear the leaves out of the accursed Red Book? You are clapping new leaves in. In conclusion, I must protest against the appointment of the right hon. Gentleman as Speaker of the House of Commons, because such an appointment will be, in my opinion, an open declaration of war against the people of England.

Mr. Warburton could not, by any means, assent to the opinion of some hon. Gentlemen who had spoken on this question, when they affirmed that the fitness of the candidates to fill beneficially the office for which they were to be appointed, was only a secondary consideration, and ought to weigh but little with the House, when put in competition with weightier matters. At the same time, he must agree with those hon. Gentlemen who had made political character the most essential qualification, so far as to say, that when the pretensions of the candidates, in point of fitness to fill

the situation efficiently, were equal, the preference ought to be given by a Reformed House of Commons to that candidate, whose opinions agreed most nearly with those of the majority of that House. It was by no means of little importance, that the man who filled that Chair should be such a one as they might look up to with pride, and say, "Behold the man whom the people delighteth to honour!" He had risen to state a few points, which he observed, had been either wholly omitted, or but partially noticed by the preceding speakers. On no former occasion had a pension been granted to a retiring Speaker, until that Speaker had actually ceased to fill the Chair. That in this case could not possibly have taken place with the right hon. Charles Manners Sutton, for he continued Speaker until Parliament was dissolved. It was wrong to imagine that a prorogation put an end to his official character. There was no former instance of a Speaker who had received a pension before his retirement. He was satisfied, however, by the whole conduct of the hon. Gentleman, that he would never allow his political opinions to bias, in the slightest degree, his conduct as Chairman of the House of Commons; but the precedent was decidedly bad, as far as regarded the voting of a pension to him before his retirement, as it took away one of the guarantees which the House possessed for his good conduct in the Chair; and if the right hon. Gentleman should, as he believed he would, be again re-elected their Speaker, the least that could be expected from Government was, that either they themselves or some of their supporters in that House should make a Motion, in order that the vote of the last Parliament on this subject might be rescinded at the earliest possible period of the ensuing Session; so that the House might again have in its own hands that security for his good behaviour, which, however unnecessary in the present case, it was always desirable that the House should hold. The noble Lord (Lord Morpeth) had said, that, *cæteris paribus*, the House ought undoubtedly to elect that Member for Speaker whose political opinions most nearly coincided with those of the majority of the House. Now, from the experience which he (Mr. Warburton) had had of the right hon. Gentleman's conduct while formerly seated in that Chair, he was ready and anxious to pay him those compliments,

which his great merit and unimpeached impartiality so eminently deserved. No person who had ever any dealings with him, either in his public or private capacity, would refuse to acknowledge thus much; but on an occasion like the present, when the question was about performing the first act in a House of Commons from which the people expected so much—when the debate was about performing an act, to which there was every probability that the people were now directing their attention, as expecting to find in it the first earnest of their success, or the first indication of coming disappointments—on an occasion like that, a man might be allowed to drop the language of compliment, and unbosom himself freely and fully, and without regard to considerations of mere politeness. He would, therefore, speak to one point, which, in his mind, would go a great way to reduce the candidates more nearly to a level, in point of ability, to perform the duty of the office in question. He would therefore beg, as delicately as possible, but at the same time plainly, to observe, that the due performance of his duties required physical as well as mental qualifications. On many occasions during the last Parliament, he had observed with pain, the extreme ill health under which the Speaker was labouring, while seated in the Chair; and he would, therefore, now call the attention of the noble Lord (Lord Morpeth) who proposed, and of the hon. Baronet (Sir Francis Burdett) who seconded the nomination, to this subject. For his own part, he (Mr. Warburton) could not help entertaining doubts as to his (Mr. Charles Manners Sutton's) ability to go through the arduous duties which must devolve upon a Speaker of a Reformed House of Commons. At all times, as difficult as they are important, the duties of the man who should next fill that Chair, would be infinitely more difficult, and infinitely more important than at any time heretofore. In balancing, therefore, the merits of the two Gentlemen who had been put in nomination (his opinion might be thought an odd one; but in so important a matter, as he had before said, it was desirable that hon. Members should unbosom themselves with perfect candour)—in balancing the qualifications of the Members proposed, he considered that the physical requisites of both candidates should be taken into account; and in that case he certainly thought

that the vigorous frame of the hon. member for Staffordshire afforded more promise of continued efficiency than the ill health under which he was sorry to observe that the right hon. Gentleman had laboured during the last Session. He should now sit down; but he would observe, in conclusion, that if no Member should be found on an early occasion, to propose that the vote of the last Parliament should be rescinded, he would himself propose, that all that part of the vote of the House of Commons by which a retiring pension of 4,000*l.* for his own life, and of 3,000*l.*, for that of his son, be conferred on the right hon. Charles Manners Sutton, should be repealed.

Mr. *Manners Sutton* was understood to express the considerable embarrassment under which he rose on the occasion, for he hardly knew how, on the one hand, to avoid the imputation of unwarrantable vanity if he gave vent to the feelings inspired by the kind opinions which had from all parts of the House been given of his exertions to perform the very arduous and most important duties of that office in the House of Commons which he had filled for sixteen years, and, on the other, how to shun the appearance of culpable indifference if he failed to express the satisfaction and gratitude he felt. Whatever sentiments he had heard expressed with respect to his fitness in other particulars, he heard no opinion mentioned on any side unfavourable to his impartiality; and whatever other claims his friends might flatter themselves that he possessed to the high honour of presiding in the House of Commons, to this, at least, he would lay claim—he would take credit to himself for the strictest impartiality in his decisions. On this, as on every occasion, he felt it to be his duty to submit implicitly to the decision of the House. No man could more deeply or more painfully feel than he, the difficulty of duly performing the arduous duties which he was again willing to take upon himself if it should please the House to re-appoint him. He knew well, better than most men, the responsibility which that man must incur in all cases who consents to fill that Chair. Proud and grateful as he was for the compliments which had been so liberally bestowed upon him from all quarters of the House, he could not be so far led away by them as to imagine that the House of Commons could not easily find

among their Members a better occupant of that distinguished seat. As to capacity and fitness, he could lay claim to but a very moderate share; but he at least possessed long experience. He would again, however, obey the commands of the House, if it should be its pleasure again to impose them upon him. Among the qualifications which every man ought to bring when he ventured to occupy the Speaker's Chair, that which he had before mentioned was certainly of paramount importance—he meant the strictest impartiality; and to that he would appeal again to the House whether he might not justly lay claim. This was, indeed, no merit to lay claim to. It was only claiming the character of an honest man; for it was very difficult to draw a distinction between honesty and the strictest impartiality, in filling an office like that in question. Surely it could not now be supposed that he would suffer a political bias to sway his judicial decisions. For sixteen years had he performed the duties of Speaker of the House of Commons; for sixteen years was it admitted that he had suffered no political feeling to outweigh his sense of duty; for sixteen years he had taken care not to allow his perceptions to be dimmed by prejudices; and was it credible that he would be so blinded now, as to suffer them to draw their mist over his eyes? Should the House withdraw its confidence from him now, he should at least have this consolation—that the six successive Parliaments in which he had sat as Speaker of the House of Commons would be sufficient to do him justice. If it should be the pleasure of the House of Commons, to elect the hon. member for Staffordshire, whatever assistance in the discharge of his duty sixteen years' experience would enable him to render that hon. Gentleman should most cheerfully be given to him, or to any other Member of the House who might be appointed. In conclusion he would say, that, notwithstanding his sense of his own imperfections, and of the difficulties of the task which he should have to undertake, if it should be the pleasure of the House to re-appoint him, he would exert himself to the utmost, as he had done before, to discharge his duty to the House, to the country, and he would say, as an honest man, his duty to himself.

Mr. *Methuen* observed, that he considered himself to be standing there as the Representative of the people of England,

and on their part, he thought it his duty to call upon Ministers for some explanation respecting their intentions with regard to the continuance of the pension of 4,000*l.* to Mr. Manners Sutton, in the event of his re-election. He thought it extremely desirable, indeed absolutely necessary, to have that question answered before they should proceed to a division. Admitting that the right hon. Gentleman was possessed of all the qualities requisite in the man who was to fill the Chair, although he should be sorry to vote against him, he could not vote for his again obtaining an office by which he would receive 6,000*l.* a-year in addition to the pension of 4,000*l.* before granted him. An opportunity of settling this point had already been afforded, and he was surprised that it had not been more early taken advantage of. It would be more to the credit of the Government, of the House, and of the right hon. Gentleman himself; it would, above all, be more satisfactory to the people of England, if that explanation should be given before they came to a decision—if the question were at once answered, whether it was or was not intended that the right hon. Charles Sutton, if re-appointed Speaker of the House of Commons, should hold the pension of 4,000*l.* in addition to his salary as Speaker?

Mr. *Manners Sutton* said, he would answer the question of the hon. Member in one short sentence. He conceived that, according to the law of England, and according to the intention of the Legislature in the Act of Parliament in question, the person holding the office of Speaker of the House of Commons could not receive 1*s.* of the pension spoken of so often. That, he added, was his firm belief with respect to the law on this point, and that was his conviction with respect to the intention of the Legislature; but whatever might actually be the law, or whatever the intention of the Legislature might be supposed to be, it was his firm determination, if re-elected to the Chair, not to receive 1*s.* of the pension while he had the honour to fill the Chair.

Major *Beauclerk* must apologize to the House as a new Member, for proceeding to address it on such an important subject, but he wished to propose a resolution for reducing the salary of the Speaker, from 6,000*l.* to 4,000*l.* a-year. The hon. Member sat down on being informed that

it was not then the time for discussing such a resolution.

The House divided on Mr. Hume's Motion, that Mr. Littleton do take the Chair: Ayes 31; Noes 241—Majority 210.

List of the AYES.

Baldwin, Dr. H.	Lloyd, J. H.
Beauclerk, Maj. A.W.	Nagle, Sir R.
Bowes, J.	O'Connell, Daniel
Bulwer, E. L.	O'Connell, Maurice
Butler, hon. P.	O'Connell, Morgan
Cobbett, William	O'Connell, John
Dykes, F. L. B.	Potter, Richard
Evans, George	Roche, William
Ewart, William	Roe, James
Faithful, G.	Roebuck, J. A.
Fielden, W. J.	Romilly, John
Grote, George	Sutton, rt. hon. C. M.
Gaskell, Daniel	Strutt, Edward
Hume, Joseph	Vigors, N. A.
Hutt, William	
Kinloch, George	TELLER.
Lynch, A. H.	Warburton, Henry

The Question put, that the right hon. Charles Manners Sutton be appointed Speaker of that House.

Mr. *Cobbett* agreed with the hon. member for Surrey, that some resolution on the subject of the Speaker's salary should be adopted. The enormous salary, and the other great pecuniary advantages enjoyed by the Speaker of the House of Commons should make the Representatives of the people take it into their consideration. He begged to ask the House what fitter instance or opportunity could be taken for establishing a precedent by the reduction of the pensions with which the people were burthened than that to which he had now alluded more than once—namely, the pension so improperly given to the Speaker by the Act of the last Session? Here was a man for the last sixteen years, nay, almost from his infancy, receiving by thousands the public money; and who, out of doors, would not say it was highly improper such a man should be set up as the subject of their election, or as a sample of the House itself? If they were farmers, and used the language of that class, they would cry out, "As is the sample, so is the sack." Would it not be clear that the present House was, like the last, despite of the Reform, disposed to persevere in eternally putting its hands into the pockets of the poor people of this country, and taking from thence as much as it well could? If that right hon. Gentleman should be elected, he would be taken by the people to be a sample of the House

itself, and bad would they pronounce it to be. By such an imprudent act would they decide their own character with the people. For these reasons he was as much inclined to oppose the Motion now before the House as he was the former—an opposition which nothing he had yet heard would neutralize.

Mr. *Faithful* said, that he came down to the House prepared to support the proposition for appointing the right hon. Gentleman Speaker of that House; but what he had since heard restrained him from immediately giving his countenance to that appointment. It was undoubtedly true that the right hon. Gentleman had himself stated, that if he were re-elected, he had no intention of availing himself of the Act, by which a pension had been granted to him. But it must strike every one, that a question of this great importance ought to be determined upon grounds abstracted from individual considerations; and ought not to be left to the decision of the acceptance or non-acceptance of any single person. He begged, therefore, to ask any of his Majesty's Ministers who were present, whether, in the event of Mr. Manners Sutton being re-elected to the Chair of that House, they were prepared, immediately after his re-election, to bring in a Bill for the express purpose of repealing the existing Act, by which a pension was conferred on that right hon. Gentleman? If his Majesty's Ministers would not pledge themselves to the production of such a Bill, he should not feel justified, in the discharge of his parliamentary duty, in relying on the mere assurance of an individual.

Sir *Francis Burdett* must repeat his firm conviction, that there was no man, without exception, in that House, who could be put in competition with the right hon. Gentleman now proposed to fill the Chair, in all those qualities which were necessary to the discharge of the high and important duties attached to the office. To those hon. Members who had objected, on the ground of the retiring pension which had been conferred upon the right hon. Gentleman, Ministers had explained the opinion which they entertained of the Act of Parliament in question. But the opposition which was made to the re-appointment of Mr. Manners Sutton by those who were the advocates of public economy, was the most extraordinary, and exhibited the strangest view of the case conceivable.

For how was it possible that any saving could be effected for the public, unless by the re-appointment of the right hon. Gentleman? The argument of economy, therefore, which in such an important case, however, was only of a straw's weight, was directly opposed to the opinion of the economists; for the only means of making a public saving was to re-appoint Mr. Manners Sutton to the Chair. If the Act by which the pension had been conferred on that right hon. Gentleman was as binding as it had been alleged to be by the hon. member for Oldham, and other hon. Members, undoubtedly it could not be repealed without the right hon. Gentleman's consent. But that consent he had understood the right hon. Gentleman was disposed to give. Let it be recollected that the pension had been already earned. He (Sir Francis Burdett) was persuaded, that the people at large would not think that the right hon. Gentleman had been overpaid for his eminent services. He should very much like to see any one of those who thought that the duties of the Speaker of the House of Commons might be more cheaply purchased, and that that officer was overpaid, placed for a time in the Chair, in order to ascertain whether, with half the salary, or with a quarter of the salary, or with no salary at all, the public would be so well served, or so well satisfied, as when the deliberations of the House had been under the direction of the accomplished individual in question.

Mr. *Warburton* observed, that the question, whether in the present instance the right hon. Gentleman, if re-elected, would draw not only his salary as Speaker, but the pension guaranteed to him by an Act of Parliament, had been decided by the declaration of the right hon. Gentleman, that even if the Act would allow him to accept the pension, he would not accept it. But the much greater question was, the dangerous precedent of voting a pension to the Speaker of that House before his final retirement from the Chair. If this precedent were established, what was to prevent any future Minister from proposing to vote a pension to a Speaker, after long service, but before he left the Chair of that House? Nothing could be more dangerous than such a precedent. Although he was quite sure, that the right hon. Gentleman's conduct in the Chair would not vary one tittle in consequence of the pension which had been voted to

him, yet as he strongly felt the danger that would attend any precedent of that kind, he hoped the Act by which that pension had been conferred would be repealed.

The *Solicitor General* said, that as an appeal had been made to him for his opinion upon the law of the case, he would not hesitate to express it. His opinion was, that the right hon. Gentleman, if re-elected, could not receive under that Act his retiring pension for services. The right hon. Gentleman had not discontinued to be Speaker in consequence of the dissolution. He was and would continue, for many purposes, Speaker of that House, and he was then Speaker until an election of another Speaker took place, for the purpose of receiving a salary as such Speaker. In addition to the incapacity by law to receive the retiring pension if he were re-elected, the House had the assurance of the right hon. Gentleman himself upon the subject of his having no intention to assert a right to claim the retiring pension.

Mr. *O'Connell* was free to admit, that the learned Gentleman's conclusion was perfectly just, if his premises were valid. But he could not admit their validity, for he had yet to learn how there could be a Speaker to a Parliament not in existence. Were they to understand from the learned Gentleman that at a dissolution every circumstance connected with the practical existence and privileges of the House of Commons was at an end—or at least in abeyance—excepting the office of the Speaker? And yet the learned Gentleman's doctrine was, if it meant anything, to that effect. For his own part, he knew of no Act of Parliament which preserved the political existence of the Speaker during the dissolution of the Parliament.

Lord *Althorp*: The learned member for Dublin must be aware that in the event of the demise of the Crown, after the dissolution of an old Parliament, and before the meeting of a new Parliament, the old Parliament must re-assemble, with its Speaker at its head. Although the Parliament was constitutionally defunct, yet the Speaker continued to receive his salary and exercise the privileges of his office till the appointment of his successor in a new Parliament.

Mr. *O'Connell*: Yes; but then Parliament itself, by express statute, also preserves its existence under certain conditions.

Mr. *Hume*: The learned Solicitor General's argument would hold good if either he or the noble Lord could show a single case in which a Speaker of that House received his salary for a period during which Parliament was in a state of dissolution. The hon. member for Brighton's question, therefore, in the absence of the proof of such a case, was well deserving the attention of the House; nor, indeed, could he see any valid objection that could be raised to its being explicitly answered. Let them consider the force of the question. At present, if the right hon. Gentleman (Mr. *Manners Sutton*) were elevated to the Chair without a revision of the Act conferring on him a pension, he would be placed in a position so wholly independent of the esteem and good-will of that House, that, supposing his conduct should be of such a character as to compel the House to expel him from his office, he could fall back upon his pension wholly regardless of the House's censure or reluctance to appropriate the public money to the payment of that pension. By an act of the Legislature the right hon. Gentleman was entitled to a pension of 4,000*l.* from the moment he ceased to preside in that House, and no mere declaration of any Minister could counteract that statute. The noble Lord might express in that House his reluctance to propose a vote for the payment of the pension under the supposed case just put, but a Court of Law would soon convince him that only an express statute of the Legislature could repeal or modify one of its own solemn acts. The House, therefore, should pause ere it re-elected the right hon. Gentleman, and should bear in mind that it was suddenly called upon to elect a man who was, as a pensioner of the State, wholly independent of the people and their Representatives. He trusted, therefore, the first act of a Reformed Parliament would not be the establishing of a precedent so bad in principle as that of electing to their Chair a Gentleman who was above the need of adapting his conduct to the obtaining their approbation. The hon. member for Brighton was right, therefore, in asking Ministers whether they intended to bring forward a Bill for repealing the Speaker's Salary Act of last Session, and placing the right hon. Gentleman where he was before the passing of that Act—namely, dependent upon his own good conduct for the reward which Parliament was wont to confer upon those

who honestly and ably discharged the important duties attached to the Chair of that House. He (Mr. Hume), for one, would not have permitted that Pension Act to have passed if he could have anticipated a case like the present. Indeed, the principle of electing a person over whose conduct they possessed no efficient control to their Chair was so objectionable that hon. Gentlemen, he was convinced, would not for a moment assent to the Motion till Ministers had announced their intention to repeal an act which thus placed the individual candidate above their control.

The *Attorney General* would admit that the hon. Member (Mr. Hume) was perfectly correct in stating that no mere declaration of a Minister could reverse the provisions of a legislative enactment, but he more than questioned the accuracy of the hon. Gentleman's interpretation of the Speaker's Pension Act of the last Parliament. He would take it upon him to declare that that Act most explicitly provided that the pension should not be paid till the right hon. Gentleman had ceased to be Speaker, and he would further take it upon him to declare that the right hon. Gentleman was, by the laws passed for regulating the office and salary of the Speaker, actually Speaker of the House of Commons, and as such entitled to receive the salary attached to the office till within the last few hours—in point of fact, till the commencement of the present discussion. No hon. Member could deny that, in the event of the demise of the Crown, though the Parliament was virtually dissolved, the Speaker continued to receive his salary and exercise the functions of his office till a successor had been appointed in the new Parliament; and no honourable Member who carefully read the Act which thus continued his salary could deny that Mr. Manners Sutton was entitled to receive, at the quarter-day, the salary of Speaker, till, as he had stated, within the very few last hours. Besides, the letter, no less than the spirit, of the Act of last Session, expressly provided that the pension should not come into operation till the right hon. Gentleman had entirely ceased to exist as Speaker—that is, the right hon. Gentleman had not more than some two hours claim to his pension.

Mr. Hume.—Did the learned Gentleman mean to say, that the right hon.

Gentleman could, during the present quarter, demand his salary as Speaker and his retiring pension also; or that he could not claim both?

The *Attorney General*.—The fair interpretation of the Act was, that the salary and pension could not co-exist in the same quarter. The right hon. Gentleman did not, on the 5th of January (the last quarter-day), demand his pension.

Mr. O'Connell: Very well; but has he not also not demanded his salary?

The *Attorney General* had already explained that the quarter-day fell within the period during which the right hon. Gentleman was entitled to receive his salary as Speaker.

An *Hon. Member* on the Opposition side of the House, was against the re-appointment of the late Speaker. Did they intend to let it be inferred by the public that they were forced to re-elect a Tory Speaker, because they had not amongst themselves a Whig candidate for this high office?

The *Solicitor General* begged leave, for the information of the House, and to put an end altogether to the legal cavils of the hon. and learned member for Dublin, to read from the Act for regulating the salary of Speaker, which he held in his hand, the provisions under which, in the event of a dissolution of Parliament, the individual holding that office was entitled to receive the salary attached to it, "till a Speaker is chosen in the new Parliament." Under this provision, therefore, Mr. Manners Sutton, the Speaker of the last Parliament, was and would be entitled to his salary till his successor be appointed; and, under the provisions of the Act of last Session, by being thus entitled to his salary, he was not, and could not be, entitled to claim or receive his retiring annuity.

The question was then put by the Clerk—"That the right hon. Charles Manners Sutton do take the Chair of this House as Speaker," and was agreed to with all but unanimous acclamation.

The right hon. Gentleman was accordingly led to the Chair by Lord Morpeth and Sir Francis Burdett, his proposer and seconder, and immediately addressed the House to the following effect:—"I am deeply grateful to the House for the high honour which they have just conferred upon me. I have now only to express my hope that, by a constant attention to the rights

and privileges of the House, by a strict adherence to those rules and orders by which alone our deliberations can be advantageously conducted, by the utmost courtesy to every individual Member of the House, by readily affording every information which it may be in my power to communicate, and by doing all I can to facilitate the transaction of public and private business, I may be so fortunate as to experience from the present Parliament the same confidence which I was so fortunate as to experience from the six Parliaments which have preceded it."

Lord *Althorp* said, that in rising to congratulate the right hon. Gentleman, and to congratulate the House on what had just taken place, he could not but advert with the greatest satisfaction to the fact, that during the previous discussion there was not one hon. Member who had spoken, and who, like himself, had had experience of the right hon. Gentleman's great qualities, who had not borne his warm testimony to them. With respect to what had fallen from one hon. Member, of the political tendencies of the right hon. Gentleman, his (Lord *Althorp*'s) experience justified him in assuring that hon. Gentleman, and all those hon. Gentlemen who were new to the House, that those tendencies never exhibited themselves in the right hon. Gentleman's conduct in the Chair. For much the greater portion of the time during which he (Lord *Althorp*) had had the honour of a seat in that House, he had differed from the opinion of the majority; but, during that period, he had been treated with just as much courtesy by the right hon. Gentleman, and had received just as much parliamentary assistance from him as since he had sat on the Ministerial side of the House. Although he entertained political opinions different from those of the right hon. Gentleman, he had never found that difference influencing the right hon. Gentleman's conduct in the Chair.

Adjourned.

HOUSE OF LORDS,

Thursday, January 31, 1833.

ROYAL ASSENT TO THE CHOICE OF A SPEAKER.] The Lord Chancellor, the Duke of Richmond, the Marquess of Lansdown, the Earl of Albemarle and Lord Auckland, took their seats as his

Majesty's Commissioners in the usual manner.

The Commons having been summoned by the Usher of the Black Rod, Mr. *Manners Sutton* appeared at the Bar, between Lord *Morpeth* and Sir *Francis Burdett*, and attended by a considerable number of Members.

Mr. *Manners Sutton* addressed their Lordships, and said, in obedience to his Majesty's commands, his Majesty's faithful Commons of the United Kingdom had proceeded in the exercise of their undoubted right to elect a Speaker, and it was his duty to acquaint their Lordships that the choice of the Commons had fallen on him. From no short experience of the difficulties of that high situation, it was impossible for him not to doubt his own capacity to discharge its duties; and, if his Majesty should be graciously pleased to disapprove their choice, he felt well persuaded that his Majesty's faithful Commons would find no difficulty in electing some other individual better qualified than himself to perform the arduous duties of the station, and more deserving of his Majesty's approbation.

The Lord Chancellor informed Mr. *Manners Sutton*, that the Lords Commissioners were commanded by his Majesty to assure him, that his Majesty was so fully satisfied of his zeal for the public service, and of those many eminent qualities which had so often recommended him to the choice of the Commons, and, further, of his now matured experience in most arduous and trying circumstances, that his Majesty did most fully approve of the choice of his faithful Commons, and did confirm him to be their Speaker.

The *Speaker* then said, that with all humility he submitted himself to his Majesty's pleasure, and it now became his duty, in the name and on behalf of the Commons of the United Kingdom, to lay claim, by humble petition, to all their ancient and undoubted rights and privileges, more especially those of freedom of debate, freedom from arrest for themselves and servants, free access to his Majesty when occasion might demand, and that his Majesty would be most graciously pleased to put the most favourable construction on all their proceedings; and for himself, he earnestly entreated, that if any error should be committed by him, it might not be imputed to his Majesty's faithful Commons.

The *Lord Chancellor* informed Mr. Speaker, that the Commissioners had it further in command from his Majesty to inform him, that his Majesty did confirm all the rights and privileges that had ever been granted to, or conferred on, the Commons by any of his Majesty's royal predecessors. With respect to the Speaker himself, his Majesty, though sensible that there was no need of such assurance, had commanded them to say, that his Majesty would ever put the most favourable construction on his words and actions.

The Speaker, accompanied by the Commons, withdrew.

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HOUSE OF COMMONS,  
*Thursday, January 31, 1833.*

ROYAL ASSENT TO THE CHOICE OF A SPEAKER.] Sir Augustus Clifford, the Usher of the Black Rod, came to the Table, and said: The Lords, authorized by virtue of his Majesty's Commission, desire the immediate attendance of this House in the House of Peers to hear that Commission read.

The *Speaker*, accompanied by Lord Morpeth and Sir Francis Burdett, his proposer and seconder, and followed by nearly all the Members present, proceeded to the House of Peers. On his return, he took the Chair and addressed the House to this effect: He had been in the House of Peers, where he had communicated with the Lords Commissioners appointed by his Majesty; that the House, in the exercise of its ancient and undoubted privilege of choosing its own Speaker, had proceeded to elect one; and, further, that that choice had fallen upon him, which choice the Commissioners had immediately approved. He then proceeded to lay claim, by humble petition, to all those ancient rights and privileges which the House had enjoyed in former Parliaments, particularly those of freedom of debate, freedom from arrest for themselves and their servants, and free access to his Majesty at all reasonable times; and also that the most favourable construction should, on all occasions, be put upon their words and acts, all which rights and privileges the Lords Commissioners assured him had been granted and confirmed by his Majesty as fully as they had been given by any of his Majesty's predecessors. The House would then permit him again to express his most sincere and grateful acknow-

ledgments for the honour that had been conferred on him in placing him in that Chair. He could assure the House that the long experience he had had, had taught him, that the honest and straightforward discharge of his duties was the best means of securing its confidence. It should be at all times his most zealous duty to maintain its rights and privileges to the full extent, and also to impress on Members themselves, for the sake of public business and their own convenience, the necessity of strictly attending to all its rules and orders. As he was now addressing a considerable number of new Members, a greater number than usual at the commencement of a new Parliament, he would beg to say to them—for to the old members he trusted that it was not necessary to say anything on the subject—that he should be ready at all times to give them every assistance in all matters relating to public and private bills, and he hoped that no Member would feel any difficulty in applying to him on any occasion where his advice and assistance could be considered useful. Again he begged to express his most sincere thanks to the House for the honour they had done him.

The oaths were then administered to the Speaker, after which the Members were sworn according to the alphabetical order of their counties, or the counties in which their cities or boroughs are situate.

The Members were sworn in on Friday, Saturday, and Monday.

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HOUSE OF LORDS,
Tuesday, February 5, 1833.

KING'S SPEECH.] His Majesty went in state to the House of Peers this day, to open the Parliament for the despatch of business. He was attended on entering the House—on his right, by the Lord Chancellor, with the Parse and Seals; the Duke of Norfolk, as Earl Marshal; the Marquess of Winchester, bearing the Cap of Maintenance; and the Marquess of Lansdown, as President of the Council: and supported on the left by Earl Grey, bearing the Sword of State; the Marquess of Cholmondeley, as Deputy Great Chamberlain; and Marquess Wellesley, as Lord Steward. His Majesty, on taking his place, said, "Your Lordships will be seated."

The Usher of the Black Rod having summoned the House of Commons, the

Speaker, accompanied by as many Members as the space below the Bar could accommodate, attended.

His Majesty then delivered the following most gracious Speech.

" My Lords and Gentlemen ;

" The period being now arrived at which the business of Parliament is usually resumed, I have called you together for the discharge of the important duties with which you are intrusted.

" Never, at any time, did subjects of greater interest and magnitude call for your attention.

" I have still to lament the continuance of the civil war in Portugal, which has for some months existed between the princes of the House of Braganza. From the commencement of this contest I have abstained from all interference, except such as was required for the protection of British subjects resident in Portugal ; but you may be assured that I shall not fail to avail myself of any opportunity that may be afforded me to assist in restoring peace to a country with which the interests of my dominions are so intimately connected.

" I have also to regret that my anxious endeavours to effect a definitive arrangement between Holland and Belgium have hitherto been unsuccessful. I found myself at length compelled, in conjunction with the King of the French, to take measures for the execution of the Treaty of the 15th of November, 1831.

" The capture of the citadel of Antwerp has in part accomplished that object, but the Dutch Government, still refusing to evacuate the rest of the territories assigned to Belgium by that treaty, the embargo which I had directed to be imposed on the Dutch commerce has been continued. Negotiations are again commenced, and you may rely on their being conducted on my part, as they have uniformly been, with the single view of ensuring to Holland and Belgium a separate existence, on principles of mutual security and independence. The good faith and honour with which the French

government has acted in these transactions, and the assurances which I continue to receive from the chief powers of Europe of their friendly disposition, give me confidence in the success of my endeavours to preserve the general peace. I have given directions that the various papers which are necessary for your information, on the affairs of Holland and Belgium, should be laid before you.

" The approaching termination of the charters of the Bank of England and of the East-India Company will require a revision of these establishments ; and I rely on your wisdom for making such provisions for the important interests connected with them as may appear, from experience and full consideration, to be best calculated to secure public credit, to improve and extend our commerce, and to promote the general prosperity and power of the British empire.

" Your attention will also be directed to the state of the Church, more particularly as regards its temporalities, and the maintenance of the clergy. The complaints which have arisen from the collection of tithes appear to require a change of system, which, without diminishing the means of maintaining the established clergy in respectability and usefulness, may prevent the collision of interests, and the consequent disagreements and dissatisfaction which have too frequently prevailed between the ministers of the Church and their parishioners.

" It may also be necessary for you to consider what remedies may be applied for the correction of acknowledged abuses, and whether the revenues of the Church may not admit of a more equitable and judicious distribution.

" In your deliberations on these important subjects, it cannot be necessary for me to impress upon you the duty of carefully attending to the security of the Church established by law in these realms, and to the true interests of religion.

" In relation to Ireland, with a view of

removing the causes of complaint which had been so generally felt, and which had been attended with such unfortunate consequences, an Act was passed during the last Session of Parliament for carrying into effect a general composition for tithes. To complete that salutary work, I recommend to you, in conjunction with such other amendments of the law as may be found applicable to that part of my dominions, the adoption of a measure by which, upon the principle of a just commutation, the possessors of land may be enabled to free themselves from the burthen of an annual payment.

"In the further reforms that may be necessary, you will probably find that, although the Established Church of Ireland is, by law, permanently united with that of England, the peculiarities of their respective circumstances will require a separate consideration. There are other subjects hardly less important to the general peace and welfare of Ireland, as affecting the administration of justice, and the local taxation of that country, to which your attention will be also required.

"Gentlemen of the House of Commons ;

"I have directed the Estimates for the service of the year to be laid before you ; they will be framed with the most anxious attention to all useful economy. Notwithstanding the large reduction in the Estimates of the last year, I am happy to inform you that all the extraordinary services which the exigencies of the times required have been amply provided for. The state of the revenue, as compared with the public expenditure, has hitherto fully realized the expectations that were formed at the close of the last Session.

"My Lords and Gentlemen ;

"In this part of the United Kingdom, with very few exceptions, the public peace has been preserved ; and it will be your anxious but grateful duty to promote, by all practicable means, habits of industry

and good order amongst the labouring classes of the community.

"On my part, I shall be ready to co-operate to the utmost of my power in obviating all just causes of complaint, and in promoting all well-considered measures of improvement. But it is my painful duty to observe that the disturbances in Ireland, to which I adverted at the close of the last Session, have greatly increased. A spirit of insubordination and violence has risen to the most fearful height, rendering life and property insecure, defying the authority of the law, and threatening the most fatal consequences if not promptly and effectually repressed.

"I feel confident that to your loyalty and patriotism I shall not resort in vain for assistance in these afflicting circumstances, and that you will be ready to adopt such measures of salutary precaution, and to intrust to me such additional powers, as may be found necessary for controlling and punishing the disturbers of the public peace, and for preserving and strengthening the Legislative Union between the two countries, which, with your support, and under the blessings of Divine Providence, I am determined to maintain, by all the measures in my power, as indissolubly connected with the peace, security, and welfare of my people."

His Majesty and the Commons withdrew.

ADDRESS IN ANSWER TO THE SPEECH.]

The Lord Chancellor, at five o'clock, read his Majesty's Speech. It was again read by the Clerk of the House at the Table.

The Marquess *Conyngham* said, that in rising to move that an humble Address be presented to his Majesty in answer to his Majesty's gracious Speech from the Throne, he could unaffectedly assure their Lordships, that he addressed them under feelings of a painful and embarrassing nature. It was painful to him thus early to obtrude himself on their Lordships' attention, having been so recently called to the honour of a seat in that House, and knowing, as he did, how ill qualified

he was to perform the duty assigned him. Under these circumstances, nothing remained for him (having undertaken to address their Lordships) but to throw himself on their kindness, which he trusted would incline them to grant him indulgence. Were he merely to consult his own feelings, he should not trouble their Lordships on this occasion; but looking at the aspect of public affairs, and considering the spirit of the times, he thought it incumbent upon all persons situated as he was, to declare whether they were disposed to support liberal principles calculated to strengthen the foundations of the State or not. It was his opinion that, by pursuing a liberal and enlightened policy, our institutions would be best consolidated, and the happiness and security of the people insured. Such was the course which Ministers had hitherto adopted, and in which he trusted they would persevere. His Majesty had commenced his Speech by alluding to and lamenting the continuance of a civil war in Portugal between the princes of the House of Braganza, and certainly no country was ever placed under more painful circumstances than Portugal. It was to be regretted that no opportunity had occurred to enable his Majesty to restore peace to Portugal; at the same time it was fortunate that, neither in reference to that country nor any other, did there seem grounds for apprehending a war in which England might be engaged, his Majesty continuing to receive friendly assurances from the chief powers of Europe. On this point he congratulated their Lordships, considering peace desirable; although, on grounds involving the national faith or honour, we should stand prepared for war. His Majesty had also expressed his regret that his endeavours to effect a definitive arrangement between Holland and Belgium had hitherto been unsuccessful. His Majesty found himself compelled, in conjunction with France, to take measures for the execution of the Treaty of the 15th November, 1831, not only from regard for the honour of this country, but with a view to put a stop to the war prevailing between the two neighbouring states. In this matter he was of opinion that his Majesty had been well advised. Notwithstanding all the abuse that had been lavished on the present Government, he hesitated not to say, that he conscientiously thought they had

acted with a sound and judicious policy in this respect. France, true to herself and her engagements, having sacrificed blood and treasure in the common cause, magnanimously withdrew her forces; thus falsifying the predictions of her enemies, and teaching a lesson of moderation to victors. The fall of Antwerp, he trusted would have secured the free navigation of the Scheldt and the peace of the world. But, however the case might be, he believed that all impartial men would agree in thinking that the British Government could not have acted otherwise than it did. He would again allude briefly to the case of Portugal, for the purpose of lamenting the continuance of civil war in that country—a war detrimental to commerce and fatal to humanity, which he trusted his Majesty would leave no effort untried to put an end to. His Majesty had adverted to the approaching termination of the charters of the Bank and the East India Company—subjects of an important nature in a commercial country like England—in relation to which it would be for the wisdom of Parliament to decide, after due deliberation, and take such steps with respect to those charters as should best promote our commerce and credit, and the prosperity and power of the British empire. With subjects of that nature, however, he was not sufficiently acquainted to offer an opinion. The next question was that relating to the state of the Established Church. He had ever been of opinion that a proper provision for the Church was absolutely necessary, not only for the stability of that establishment, but with a view to the security of the State. At the same time, he felt convinced that the condition of the Church required investigation, and he hoped to see measures of improvement adopted which would go far to remove the ill-will that had been fostered by growing abuses, in the management and distribution of Church property. All must admit the desirableness of correcting existing abuses, by the removal of which the purity and simplicity of the Church would be best secured; and he felt satisfied that the clergy—a body the most enlightened—would be the first to feel the necessity and expediency of such measures of improvement. By a change in the tithe system, and a more equal distribution of Church property, he was satisfied that

the clergy would find their own respectability, usefulness, and dignity, best consulted; at the same time that judicious measures of reform would strengthen the just influence of the Church, by conciliating in its favour the feelings of the people. His Majesty stated, that he had directed the Estimates of the year to be laid before Parliament, assuring both Houses, that as far as the service of the State would allow, the public burthens should be lessened. This was a satisfactory assurance, and it was also cheering to find that, notwithstanding the reduction in the Estimates of the last year, all the extraordinary services of the country had been amply provided for, and that the difficulties of commerce had not affected the revenue. The last topic of his Majesty's Speech was one of the greatest importance—he meant the condition of Ireland. Connected as he was by every tie of affection and property with that unhappy country, he looked with pain at its present state, torn by contending factions, become an arena for the display of the dexterity of every demagogue. Most joyfully did he hail the suggestions of his Majesty for the promotion of habits of order and industry among the labouring classes, for the removal of all grievances, and for the maintenance of the Union between the two countries. But, at the same time that conciliatory measures should be adopted, additional powers, if necessary, must be confided to the executive authority, with a view to put down and punish all disturbance of the public peace. What was Ireland at present?—a blot and stain on the empire. No man was more attached to his country than he, and he desired to see a termination put to the scenes that disturbed it. What could be more distressing than the bickerings between the established clergy and the people on the subject of tithes? No one could witness, without regret, the fact of tithes being wrung from men in support of a religion to which they did not belong. The administration of justice and local taxation in Ireland required serious consideration and reform; but the present was not a moment to enter upon the details of such measures. From the tone of the King's speech, he looked forward with sanguine hopes to the measures to be adopted; above all, he felt pleasure at perceiving that the bonds of the Legislative Union between

England and Ireland were to be kept unimpaired. That declaration would be received with joy from one end of Ireland to the other. He felt convinced that a Repeal of the Union would be a death-blow to Ireland and a vital stab at the prosperity of England. With respect to Ireland, in the event of such a measure, her commerce would be ruined and her manufactures destroyed. She would lose the market of this country. The bonds of union between the two countries once loosened, Ireland would be unable to support herself; she must become dependent upon a foreign state, or fall under the power of demagogues. Blind as those must be to the true interests of both countries who pressed for a Repeal of the Union, he thought there remained sufficient soundness of principle in the public mind of Ireland to avert such a consummation. He trusted and believed that the day of separation was far from us. The firmness of the King would rally all hearts around the existing settlement, and protect us from such a calamity. So long as he had a seat in their Lordships' House, his voice should be lifted to deprecate a Repeal of the Union, and brand him as Ireland's worst enemy who ventured to recommend such a measure. It was unnecessary for an individual so humble as himself to implore their Lordships to take his Majesty's observations on the necessity of upholding the Legislative Union into their serious consideration. He thanked the Government for introducing various liberal measures. He did so as an independent peer, connected with no party, and having no objects of personal aggrandizement in view. He was convinced, that by adopting a liberal line of policy in every department of the State, we should best secure the prosperity and welfare of the country, and the permanence of our institutions. The noble Lord concluded by moving an address to his Majesty, which was, as usual, an echo of the speech.

Lord *Kinnaird*, in rising to second the Motion of the noble Marquess, offered his apologies for obtruding himself on the notice of the House. He felt particularly embarrassed at presenting himself to their lordships on the present occasion, after the able manner in which the noble Marquess had expressed his sentiments in moving the Address. He wished to be distinctly understood as joining sincerely

in the liberal sentiments expressed by the noble Marquess, although, for want of rhetorical powers, he was unable to deliver himself to their Lordships with equal ability. Various and most important were the subjects which his Majesty had been pleased to submit to the attention of Parliament, but he felt that to treat them aright would require more talent than he possessed. To bring the suggestions of his Majesty to maturity demanded master-hands, together with the assistance of the great artist, time, and the wise councils of Parliament; such were the elements that must enter into the accomplishment of these grateful earnestness of future welfare for an anxious nation. He, in common with others, deplored the blood that had been spilled in consequence of foreign dissensions, particularly those of two countries near our own. His Majesty's Government had one consolation under these calamities, that no means of lessening or putting an end to the violence and dissensions complained of had been left untried. Peace had been preserved during two years of unexampled difficulty; the good faith of the French nation had been strictly preserved amidst the seductive influence of conquest, and unlimited success had not (as was too often the case) been followed up by unlawful aggression. These were agreeable reflections, and, joined to the peaceful assurances which his Majesty continued to receive from foreign powers, afforded grounds for hope that we should see firmly and securely established that peace which was so essential to the commercial interests, to the happiness, and welfare of this country. That the public peace in this part of the United Kingdom had been pretty generally preserved undisturbed was extremely gratifying, especially to those connected, like himself, with the northern part of the kingdom. That was the first time that the voice of the people of Scotland had had a chance of being heard—the first time that the many had been emancipated from the thralldom of the few, who would have had it believed that they knew better what was good for the people than they themselves—the first time that the Scotch people had come forward to exercise the elective franchise; and, throughout, the elections had been peaceable and orderly. There were various and important reforms which they must still look to; but the people had now a Reformed Parliament, which no longer

nominally, but virtually, represented them, and to this Reformed Parliament the people looked with confidence for the redress of grievances; trusting that it would act on those conservative principles (a term frequently and most grossly misapplied) which were essential to the welfare and prosperity of the country. In the midst of the topics of the King's Speech, the subject of Church Reform was one of the most important. He hailed with delight the prospect of the dignitaries and heads of the establishment lending their aid to the correction of abuses which would be the best means of securing the interests of true religion. It was painful to find that the Church of Ireland must become a subject of separate consideration in any scheme of church reform. Owing to the unhappy state of that country, his Majesty had called for such aid to the Executive Government as would enforce a full and efficient obedience to the laws. It had become necessary to put a stop to the disturbances existing in Ireland. He should no longer trespass on their Lordships' indulgence, contenting himself with observing that, in voting the Address now proposed, their Lordships would not, as far as he was acquainted with the rules of Parliament, stand pledged to approve the ministerial measures of foreign policy till the papers referred to in the Speech from the Throne should be laid before them for consideration. In conclusion, he begged to second the Address.

The Earl of *Aberdeen* said, there were parts of the Speech and Address to which, if he did not endeavour to call the attention of their Lordships thus early, he felt that he should fail in his duty. The topics of the Speech opened a wide field of discussion, on which it was not now his intention to enter at large; but there were points that seemed to him to require immediate attention. There were parts of the Address to which he was happy to express his entire assent; there were others on which he desired to express no opinion; but there were some that expressed opinions which he certainly did not profess. He was sure the House must have felt satisfaction at the declaration of his Majesty's firm determination to have recourse to such measures as were indispensably necessary to restore tranquillity to that unfortunate country, so long the subject of discussions in Parliament, and to establish and perpetuate the dominion of the

law in Ireland. To any measures calculated to effect that object his humble support should be cordially given, without inquiring too nicely into their precise merits, or considering whence they came, provided they appeared likely to answer the desired end. But this declaration of his Majesty was accompanied by intimations which had excited alarm and uneasiness in his mind, when he saw the manner in which it was proposed to treat the Established Church. He could only express a hope that noble Lords were fully aware of the importance of the subject, but, not knowing what were the measures in contemplation, he would forbear from entering upon the subject; merely trusting that the noble Earl would approach, with due reverence and caution, the sacred edifice on which he prepared to lay his hands. Every man in the House must feel the necessity of caution in relation to such a subject, because with the Church would fall the Monarchy. The part of the subject which he more especially desired to approach was that which was popularly called by the common sense of the people "the Dutch war." He knew it was declared by Ministers that this was a misnomer—that there was nothing like a war—that to predicate "war" of the transaction was merely an exuberance of fancy—that all we had seen was neither more nor less than the execution of a species of judicial award, serving a sort of process of ejectment. As noble Lords opposite had acted in the spirit of attorneys, it was fit that they should use the language of attorneys. But what did the French marshal (a proper judge of war) say and do? After the termination of the siege of Antwerp, he took and held the garrison as prisoners of war—as prisoners of war they still remained in France. He knew it was proposed that they should be called prisoners of peace by the French government; but how the nature of an act was to be changed by a change of name he did not understand. The proceedings in this *quasi* war were all anomalous. However, their Lordships would probably recollect an event which bore some degree of resemblance to this—he alluded to the unprovoked and unjustifiable attack of the French on the Portuguese capital when redress was demanded for an insult supposed to have been received in the person of a French subject. He had ventured to maintain in the House that that was no

war—that the ships taken were not prizes of war—that there had been no declaration of war, no act of hostility on the part of the Portuguese—in a word, no intimation of war, except the attack of the French. But it was then the policy of noble Lords opposite to connive at an attack on the Portuguese fleet, and strip them of their defensive force against the armaments then preparing to act against them. He did not see how the attack on the citadel of Antwerp, and the capture of the garrison as prisoners of war, could be viewed in a different light from the event alluded to. Yet this attack on the Dutch was no war, according to the noble Lords, though the attack on the Portuguese, according to the same authority, was a war. And how did we and our ally act in this *quasi* Dutch war? We took the Dutch garrison prisoners of war. In the prosecution of the attack on the Dutch we laid an embargo on Dutch vessels. Observe to what consequences this proceeding might lead. Here we had an embargo, in time of peace, on the subjects of a friendly state; British commerce was indefinitely paralyzed by an Order in Council against a friendly state: this had lasted three months—what was to hinder it from lasting thirty? He had always considered an embargo against a foreign power as a measure adopted in contemplation of war. What was the ground of this embargo? It was impossible to say that it had been laid on as an act of reprisals, for where was the insult or injury that any British subject had sustained from the Dutch? As reprisals, then, the embargo could not be considered, but it might be an act done in contemplation of war. If this were the character of the proceeding, there must be a limit to its duration. It would be extraordinary, indeed, if the commerce of this country, and the interests of a friendly state, should be arbitrarily sacrificed and annihilated by Ministers of the Crown, without complaint or grievance alleged against a foreign power. But it was said we had entered into a treaty with France for the occupation of Antwerp; that rule would justify any iniquitous proceeding, on the ground that two parties had agreed to injure a third, which had not offended either. The Treaty between England and France of the 22nd of October, was stated to be for the execution of the Treaty of the 15th of November, 1831. Now this was untrue, for not only

was the surrender of Antwerp unprovided for in the Treaty of November, 1831, but it was absolutely contrary to that Treaty, the twenty-fourth article of which stipulated for its surrender fifteen days after the signing of a final treaty between Holland and Belgium. It was further said, that France and England had acted on the demand of the sovereign of Belgium; but by what right were we to accede to his demand, and employ force against Holland to make her come into our negotiations? Of the Powers who had assembled in Conference, three had maintained that no necessity for this proceeding existed: two determined quite the contrary. It was the more singular that we should have chosen this particular point for interference, as the Conference of London and the British Government had recognized the right of the Dutch to hold Antwerp, till fifteen days after the conclusion of a final treaty. Last summer a project of a treaty was offered to the Dutch, and they were asked to evacuate the Belgian territory by the 20th of July, but the Dutch naturally remonstrated, and said; "This is quite different from the Treaty of November, 1831, by which we were to evacuate fifteen days after a final settlement." The Conference replied to this—"True, but we thought the conclusive Treaty would have been signed long since, and that it would have brought the 20th of July far within the fifteen days." Seeing that the justification of the taking of Antwerp rested entirely on the necessity of executing the Treaty of the 15th of July, he wished their Lordships to look a little to what that Treaty would further lead. He presumed that the capture of Antwerp would not be the only part of the Treaty which would be executed. He presumed Ministers meant to execute other articles contained in the Treaty, as well as things not contained in it, and he therefore would call the attention of the noble Earl at the head of the Administration, to the guarantee relative to the payment of the Belgian Loan, which was contained in the thirteenth article. Now, the thirteenth article, which stipulated the payment of this loan, was to this effect, that the payment of the sum of 8,400,000*l.* should take place every six months, without any deduction whatever. We did not guarantee that Belgium should pay it, but we entered into a guarantee that it should be paid, and according to Vattel, and every writer

on the law of nations, as to the meaning of the word guarantee, we were bound to see the money paid, and even to make war for the purpose of enforcing payment. In this sense of the engagement, it would be admitted that it would be more economical for us to pay the money ourselves than to resort to that mode of securing its payment. Ours was not a contingent guarantee, or a guarantee limited to certain steps to be taken on our part to enforce payment, such as the sending 10,000 men, or the like. If we had entered into such an engagement we should have discharged our obligation by sending the stipulated number of men, whatever might be the result; but ours was a positive, general, and unconditional guarantee that we would see the money paid, and we were therefore bound to use all the means in our power to secure the payment. Now, the time might come, when, the king of the Netherlands not having as efficient an army on foot as at present, the Belgians might say, that they were not in a condition to pay; that, following the example of other great nations, they had remitted taxes to so large an amount, that they thought it better to let the money fructify in the pockets of the people, and that they were not in a condition to make good their engagements. If, under such circumstances, the Dutch were to take steps to enforce the payment, what would be our course? Should we allow another Marshal Gerard, with another army of 80,000 men, to prevent them from doing themselves justice? He hoped the noble Earl would not put that construction on the article in question, that had been already put upon it—namely, that all we were bound to do by the guarantee was to see so much of the debt transferred from the Dutch book to the Belgian. As we had taken such pains to fulfil an article which was not in the Protocols of the Conference, but contingent upon the signature of a treaty, to be signed between the parties, he did hope that the Government of this country would take measures equally effective, to see that the other articles were also complied with. With respect to the Convention between France and England, what, he would ask, were they to understand of its object from what had been its results? That object was avowed to be the mutual delivering up by Belgium and Holland of such parts of territory in the possession of either, as had

been decided to belong to the other. Well, how far had that end been accomplished? The citadel of Antwerp had, it was true, been wrested from the king of the Netherlands; but were there not other parts declared to belong to Belgium, still in his possession? Not only that, but was it not known, before any coercive measures had been resorted to, that the means employed for taking the citadel would not be sufficient to get possession of Lillo and Liefkenshoek against the wish of the king of the Netherlands, and that the great object of the large armament sent into Belgium must remain incomplete, until such a state of weather should arrive, as would permit those two forts to be approached by cannon? Here, then, it must have been evident, before the French army marched, that they could not accomplish the whole of the objects for which the Convention had been entered into. He was afraid, however, that the real object of the Convention was different from that which had been avowed. It was, he believed, resolved upon to satisfy the party of the *Mouvement* in France—that party which was anxious to carry the principles of the Revolution still further; it was entered into for the purpose of strengthening an administration which felt that it could not meet the Chambers, without the support of some popular measure. He was strengthened in this belief by the words in the speech of the king of the French, at the opening of the Chambers, and by the comments on it in some of the official organs of the government, in which it was said, that the dignity and honour of France required such a step; and he believed, that the Administration of this country had been led by the persuasions of that party into the adoption of a course, which, if left to itself, it would not have thought of. Well, he asked, what had been the result of the Convention? The citadel of Antwerp had been taken, Dutch commerce had been crippled, and, what was worse than this, British commerce had been still more restricted than before; and what had we gained? Why, the Scheldt, which before was open, was now closed for a time against all nations, but particularly against the commerce of France, England, and Belgium. A French marshal, it was true, had, at the head of a large army, performed a very gallant feat. An English admiral, at the same time, swept the seas of Dutch ships wherever he could find

them; but in what had all this ended? What had we gained by this act of warfare, against a people to whom, at the same moment, hypocritical pretences of friendship were made? He feared that, in the result it would be found that the Dutch would get all the honour of the affair, the French all the profit, and the disgrace of it, might, probably, be divided equally between the two governments, parties to the Convention. He owned, that he for one, was not disposed to join in the raptures of noble Lords at the conduct of the French on this occasion, looking to its probable effects on the future independence of Belgium. They had, it was true, retired from the Belgian soil, but they were still concentrated on its frontier, and three days' march would bring them back to their former position. The Prussians were on the other frontier, and, in that position, the motto of an old Scotch family, "I bide my time," might be applied both to France and Prussia. Whatever opinions might be entertained of recent events in Belgium, he owned that, looking to their probable future effects upon that country, he could not but concur in a remark of Mr. Pitt, that the separate and independent national existence of the Austrian Netherlands was absolutely impossible. As to the conduct of France, he owned that, with the experience of history before him, seeing that her ambition had mainly contributed to most of the wars of Europe for more than a century, he was not disposed to give her full credit for any very pacific disposition at the present moment. He should be glad to learn that her policy was altered in this respect, but he had not seen that the revolutionary governments of France were less disposed to warlike measures than those which had a more lasting character. He would admit, that, to preserve peace, it was necessary to be prepared for war; but when he heard one minister at the head of the French government declare that the king of the French would negotiate at the head of 500,000 men, and when he heard M. Lafitte, the peace Minister of France, declare that the king would negotiate with his hand on the hilt of his sword, he could not place much reliance on the protestations in favour of peace which were made by such men. The principle, that to preserve peace one should be prepared for war, might be true in the instance of small states; but when applied to great

nations, which had nothing to fear, it was rather a sign of coming aggression; and when he saw preparations for war still making on so extensive a scale, he repeated, that he placed no very strong reliance on mere declarations in favour of peace. But why, he might ask, should France be desirous of war? She had got, through the condescension of the noble Earl, almost all that she could desire as the result of war—she had got and continued in the possession of Algiers, without any consultation with any of her allies—she had got a footing in Italy, with what good faith he would let the noble Earl declare—and she was latterly increasing her force in that quarter—she had attacked and taken possession of the fleet of our ancient friend and ally Portugal—and, lastly, she had sent an army, and obtained by it possession of a fortress, to conquer which in a much longer time, the great Marlborough would not have thought unworthy of his glory. She had, therefore, as far as such objects as these were concerned, little to gain from war; but, still, looking to the Minister at the head of the government of France, he owned he felt but little confidence in the continued disposition of France for peace. He saw in that Minister a soldier, who, at the moment when he had in his pocket the news of the peace, had caused a great sacrifice of human life, and for no other object, as it appeared to him, than to snatch a single leaf from the laurels which encircled the head of the noble and gallant Duke (the Duke of Wellington) near him. In the continued disposition of such a Minister for peace, he repeated, he had not much confidence. Again, reverting to the result of the late Convention, he must say that Ministers had not advanced, but rather retarded, anything which was to be gained by negotiation. Three out of the five parties to the Conference had disavowed the intervention by force as unjust and unnecessary, and would not treat again with them on the same question. How could it be expected that the king of the Netherlands would treat with the two Powers? So that, in fact, the negotiation was now in a worse state than before. Undoubtedly, the king of the Netherlands might fairly refuse to advance a single step in further negotiation until things were brought back to the same state in which they were when the Convention was formed. Under these circumstances, he could not

see on what the hopes expressed in the Speech from the Throne, of the result of further negotiations, were founded, unless indeed it was intended to change the present unjust course. The course pursued by the Five Powers parties to the Conference from the time when their aid was first invoked by the king of the Netherlands, was unjust and inconsistent, for on all occasions the sacrifices to which the king of the Netherlands expressed his willingness to consent were turned against himself. He had gone in the way of sacrifice as far as he could go, but there were points which it would have been base in him to have given up. Such, too, was the feeling of the Dutch people, that even if the King had wished to make further sacrifices, he would not have been able. It was once said, that the Dutch were objects of pity, of wonder, or admiration to Europe. They were at present all three. They now exhibited the spectacle of a Sovereign deserted by those allies to whom he had appealed, and on whom he had relied; but he was supported by the calm and steady enthusiasm of his people, which, because it was calm and steady, was more likely to be permanent. It was impossible for any man to view dispassionately the situation of the king of the Netherlands without feeling, that great injustice had been done to him. It had been said, that the honour and independence of Holland was dear to Great Britain. So they ought to be, and so he trusted they would be, unless the policy of the noble Earl should induce the people to prefer the dignity and interest of France to the honour and independence of their ancient ally. He felt that he had detained the House at considerable length on this subject, but it was one on which he felt very strongly, and though he was not prepared to move any amendment to that part of the Address which related to the affairs of Holland, he felt he should not discharge his duty if he suffered that opportunity to pass without expressing his opinion on a subject in which the honour and interests of the country were so much concerned. He would now call the attention of their Lordships for a few moments to another subject connected with our foreign relations. He had come down to the House that day with some curiosity as to what might be said on the subject of the renewal of our diplomatic relations with Portugal. In the Speech of his Majesty last year was

this passage—"The conduct of the Portuguese government, and the repeated injuries to which my subjects have been exposed, have prevented a renewal of my diplomatic relations with that kingdom."* Remembering that passage of his Majesty's Speech to Parliament at the last Session, he was curious to know, on the present occasion, what pretext would be used to account for the continued suspension of those relations. The cause now assigned was, the existence of a civil war; but the same cause might continue to exist for a century. He remembered that when, in 1830, allusion was made in the Speech from the Throne to the renewal of our former relations with Portugal, a noble Lord (the Chancellor of the Exchequer), who was certainly one of the honestest and most candid of men, said that he thought the renewal of those relations had been too long delayed. That certainly was an honest declaration, and he gave the noble Lord full credit for it; but how did it happen that those relations had not since been renewed? He would not enter at that time into the character of either of the Princes who were contending for the throne of Portugal. He had never approached either of them, and personally he had no knowledge of the character of one or the other. It was not improbable that what had been said of one might be equally true of the other. The question which related to Portugal was very different from that which concerned Belgium and Holland. In the latter there were, he admitted, great difficulties in which way soever it was viewed; but the difficulties which Ministers found in the question of Portugal were of their own creation—at least their continuance was owing to themselves; they could be put an end to by a word. Why, then, delay a matter which might be so easily arranged? Was it that a reformation might be effected in either of the contending princes? Or was it from any doubt as to the general opinions of the people of Portugal? That question was decided long ago? Could it be denied, that but for the foreign aid which had been granted to one of the contending parties who had taken up his position in a strong town, the contest would have long since been brought to a close? Was it not notorious that money and foreign aid of all kinds had been sent

to Don Pedro from all quarters? Was it not matter of notoriety that supplies of men and money were publicly raised in this country? This contest, which the noble Earl had advised his Majesty to call a civil war, was a contest carried on by Jews and jobbers in London and elsewhere. If one or both of the parties chose to resort to foreign aid, he (The Earl of Aberdeen) would leave them to settle matters between them; but he thought that we were bound to attend to British interests, and not to sacrifice those interests to that which was known to be the self-love and vanity of certain individuals. In the course of the contest the Foreign Enlistment Act had been openly violated in this country. He would not ask the noble Earl why he had not moved for the repeal of that Act, but he would ask, was the course which some parties had been allowed to pursue in England, neutrality? If it were, he would only say, that if some such neutrality were permitted in another case, Henry 5th would have a good chance of being on the throne of France. Were we not bound to observe this neutrality which we ourselves had so strictly exacted in the case of Spain? But we had not observed this neutrality, and we were, at the present moment, actually in military possession of Lisbon. From some rencontre a Spaniard, who had been the servant of a noble Lord who held some military or civil employment from this Government in Lisbon, he did not know which, was killed. This was considered a case in which it was right to demand satisfaction. Although the matter was fully explained by the Portuguese government, a British admiral was despatched with orders to place his ships in a position in which they could command the city of Lisbon, and there they remained. Where was the neutrality of this proceeding? Looking at this question as it affected our commerce, he thought that at the present moment it was of the utmost importance to those interests that the Portuguese question should be set at rest as far as we were concerned. We had now an opportunity of advancing our interests by increased intercourse with Portugal, and particularly with Spain, the Sovereign of which was now acting by the advice of two of the ablest and most intelligent men in his kingdom—men who (and he spoke from personal knowledge) were the most disposed to favour British intercourse of

* Hansard, (third series) vol. ix. p. 3.

any who had for many years directed the government of that country. Why, then, he again asked, was not the question of our diplomatic relations with Portugal set at rest, when its settlement held out the certain prospect of so many advantages to this country? There was an additional inducement in the fact, that the ablest man, and certainly one in whom the greatest confidence might be placed, the Marquess of Palmella, had abandoned the cause of Don Pedro. ["No, no."] He would ask his noble friend who cried "No," whether that nobleman had not separated himself from the service of Don Pedro, and whether that noble Marquess was not at this moment more afraid of the success of the jacobin supporters of Don Pedro than of the despotism of Don Miguel? Considering the principles avowed by the jacobin party in the support of Don Pedro, and looking at what was going on in Spain, he felt that by allowing our relations with Portugal to remain as they were, we were hazarding our dearest interests in both countries. At a time when Ministers were professing to augment and to consolidate existing institutions, he trusted that they would not fail to put an end to this absurd and unjustifiable war, which was casting opprobrium upon the good faith of England, which was disgracing the country in the eyes of foreign powers, and which was pregnant with injury to all our best and dearest interests. Outraged and insulted as the people of Portugal had been by us in every way, he was still confident that they were most anxious to renew those engagements of amity with England which had existed so long between the two countries, for the common benefit of both. He therefore entreated the noble Earl opposite not to bow to the prejudices of others—for sure he was, that the prejudices which now misled the noble Earl were not his own—and to replace the country in a situation which was not less necessary to its honour than essential to its interests. He was unable, in his exhausted state, to enter into a discussion on the other parts of his Majesty's Speech; but he regretted it the less, as he should have other opportunities for declaring his opinions on all the various and important topics which it embraced.

Earl Grey said, that the long and desultory speech of the noble Earl had been uncalled for by the language of the gracious Speech from the Throne, nor was it

incumbent on the noble Earl to enter into all the subjects which he had discussed with needless prolixity. He had hoped that the discussion into which the noble Earl had now dragged them would have been deferred to another day; for in framing the Speech, one of the first objects kept in view had been to avoid anything which was calculated to provoke such an expression of feeling as that into which the noble Earl had just permitted himself to be betrayed. The noble Earl must see, that the Speech was couched in terms which called for the expression of no opinion; and that being the case, and it having been stated in the Speech that his Majesty had given directions that there should be laid before their Lordships the various documents—voluminous they undoubtedly were, as the noble Earl had sneeringly called them—which were necessary for their information on the affairs of Belgium and Holland, he had hoped that, until their Lordships were in possession of those documents, this discussion might have been deferred. He had entertained this hope the more particularly, because, when he adverted to the other parts of the Speech, embracing, as it did, subjects of such vast and paramount importance as to render an expression of the full and unanimous opinion of the House upon them a matter most desirable, he had not expected to find among their Lordships any person ready to lead the House away from the consideration of those topics to the consideration of topics of much less interest to the community at large. The noble Earl, however, thought otherwise. Those points of the Address which others deemed so important he had passed over with a light and easy foot; and the only two points which he conceived to be worthy of his notice were the present relations of this country with Belgium and Holland, and the state of the war now raging in Portugal between the two princes of the House of Braganza. He did not approve of the practice—and he hoped that his own custom was in conformity with the sentiment which he was then avowing—but he did not approve of the practice of imputing personal motives to any of their Lordships, who, in discharge of what they considered their duty to their country, expressed opinions different from his own. But the noble Earl had said, giving him a credit which he could not take to him-

self, and which, if he could take, he should not admit to be a credit—the noble Earl, he repeated, had said, that he was not acting upon opinions which he held himself, but upon opinions which were prompted by the prejudices of others, who were swayed by motives of personal vanity and passion. He did not know exactly, but he could guess, he thought, to whom the noble Earl alluded. He could have wished the noble Earl to have been more explicit. As it was, he would only say, that the individual who was most concerned in these affairs was as incapable of acting upon opinions which he did not sincerely feel, and of sacrificing the interests of his country to the unworthy motives which the noble Earl had insinuated, as any of their Lordships—ay, as incapable of such misconduct even as the noble Earl himself. If there were a man in the world who acted less than another from motives of passion and of vanity, it was the individual in question—whose diligence, sagacity, and laborious investigation into all the important affairs connected with these negotiations, were readily acknowledged by all who witnessed them. He above all men was bound to acknowledge those exertions, for he had seen them. Let him not then have this shield cast over him, for if that individual had erred, he too had erred; for not a single step had been taken in which he had not, and in which all his colleagues had not, he believed, fully concurred. He must, therefore, repel this mode of imputing personal motives without cause and without foundation. He would not follow the example which the noble Earl had set him; but if he wished to describe the conduct which would be pursued by a person who was anxious to embarrass the Government—who was anxious to give encouragement to those who were desirous of retarding the progress of a difficult and painful negotiation—who was anxious to continue that state of things, which, whilst it continued, must embarrass all the Powers of Europe—who, for that purpose, was anxious to inflame old prejudices, to revive old resentments, to re-kindle obsolete animosities, to excite jealousy, and to sow distrust where, fortunately for the world, no jealousy and no distrust existed at present—he would say, that he could not describe that conduct better than by referring to the course which the noble Earl

had pursued. He, for one, could not agree with the noble Earl in the propriety of canvassing these questions now. He was aware that it had been the practice, upon the discussion ensuing upon the King's Speech, to enter into a consideration of all the various interests of the country. Had the noble Earl stated his opinions generally upon the Belgic and the Portuguese question on the present occasion, no objection could have been made to such a course; but when no opinion was called for by the Speech, and when information was promised, he knew not what purpose, unless it were to increase the embarrassments of Government in a negotiation yet pending, the long, and irrelevant, and disconnected dissertation of the noble Earl could possibly answer. As, however, the noble Earl had started the subject, he must of course say a few words in reply; but he would not enter at length into the discussion of a Speech which was so desultory, so rambling, so disjointed, so little connected, or rather so unconnected in its different parts, that to follow the noble Earl through it was absolutely impossible. He would, however, state generally the policy which had been pursued by his Majesty's Government, and he had little doubt but that that statement would prove satisfactory to the House. He called upon their Lordships to recollect the situation in which the present Government had found the affairs of Belgium and Holland, on their first accession to power. The king of Holland had been expelled from Belgium; he had called upon the Five Powers to interfere in his behalf; the Conference created by that call had interfered so far as to prescribe to the contending parties an armistice within the limits of the ancient lines of demarcation between Holland and Belgium existing in 1790. That was an admission of the possibility of the separation of the two countries. Subsequently to that period the noble Duke opposite had more than once acknowledged in his place in Parliament that the re-union of Belgium and Holland had become impossible. That it had become so, any man who took the trouble of examining the case would speedily be convinced. In that situation, what line of policy was it the duty of the King's Ministers to pursue? They had taken up the work under the circumstances which he had already described;

a separation existed; a re-union was acknowledged to be impossible. What then was it their duty to do? To effect the separation on such terms as would tend to the advantage of both countries, and to the preservation of the general peace of Europe. On that work the Ministers entered; with that single view they persisted; and by that view they had, up to this moment, to the best of their abilities, directed their course. But, said the noble Earl, "it is a joke, a mere farce, to talk of the independence of Belgium; it is a small country, it borders on France; France will bide her time, and whenever that time comes, will overrun and make it her own." He would not then enter into an examination of the soundness of that position. He would admit that there were not all the securities for the independence of Belgium, which a statesman could wish; but he would at the proper time contend that, looking at the condition of Holland and Belgium respectively, looking at the general situation of Europe, looking at the different passions which the Belgic revolution had called into play in the different states of the Continent, the separate existence of Belgium under a neutrality avowed and guaranteed by the Five Powers was the best arrangement possible for Holland itself, and also for Europe at large. First with respect to Holland; he was not contending against the interest of that power when he said, that the separate existence of Belgium as an independent state was not for the benefit of Holland. The noble Earl admitted, that she could only be united to France, and if the union with Holland were impossible, and the union with France most dangerous for Holland, what could be found out better for Holland than making Belgium independent and guaranteeing her neutrality? But if Belgium were to be a separate and independent state, the opening of the Scheldt was necessary to her very existence; for, deprived of the navigation of that river, prohibited from using that channel for the importation of all the articles of foreign commerce, and for the exportation of all the articles of domestic industry, in the production of which her inhabitants excelled. Belgium must labour under a continual dissatisfaction, exciting a sense of continued injury, which would soon make her look to France for relief from the oppression of Holland. He

disclaimed the imputation that they had been sacrificing the interests of Holland, by endeavouring to obtain for Belgium what was absolutely necessary for Belgium if she were to exist at all as an independent country, for let their Lordships consider what was the alternative;—The division of Belgium between Holland and Prussia and France. Such a partition would have extended the territory of France, and brought France into direct contact with both Holland and Prussia. Now if the noble Earl had any pretensions to the character of a statesman, he would never give an opinion in favour of such a partition. He was sure that the noble Earl must recollect the opinions of De Witt, and of William 3rd., on this very point. Both those great men, both those illustrious politicians, had deprecated that advance of the frontiers of France which such a partition would have necessarily created. Was there, then, any other mode of giving away Belgium without incurring, not the risk, but the certainty of a general war throughout Europe? The fact was, that no such mode existed; and even if there had, no country would have accepted of so dangerous a gift. Why, then, Ministers had no choice. Whether the separate existence of Belgium were secure or not,—whether its independence were satisfactory or not—the way which had been taken was the only way in which its separate existence and independence could be at all created. That was the principle on which Ministers had proceeded in these negotiations, and he should at a proper time be prepared to show, that they had adhered to that principle faithfully, and that, in adhering to it, they had acted with all due regard to the real interests of Holland. But it had been said, that he had hypocritically professed friendship to Holland—that country which had always been our friend, and to which we owed so many obligations. Now, at the risk of being again taunted with hypocrisy, a charge which the whole course of his life sufficiently refuted, he would frankly avow, that he considered the independence and security of Holland as a great European interest, nay more, as a matter of great importance to the safety of this country. He candidly avowed that to be his opinion; but when he heard it seriously advanced that we owed great obligations

to Holland, he could not help recollecting that Holland had not always been our friend—he could not help recollecting that in the two last wars in which we had been engaged, Holland had taken her stand, without provocation and without injury on our part, in the ranks of our enemies. In the war with America, when we were in greater danger than we ever were before, and he trusted than we should ever be again,—when we had lost our superiority upon our own element, the ocean—when the combined fleet of our enemies swept the Channel, blockaded Plymouth and even threatened to land and take it—when a line of battle ship was captured off our own coasts, and in sight of our own arsenals,—when a confederacy was formed for the express purpose of depriving us of our maritime superiority—and when the first victory which shook that confederacy asunder was the victory over the Dutch off the Doggerbank, gained by Admiral Parker—was not the whole population of Holland actively engaged in the hostility which was then directed against the power and prosperity of England? The noble Earl might shake his head; but if he intended to express a doubt on the subject, he had only to refer to the history of those times in order to have it removed at once and for ever. Again, during the last war, let the noble Earl ask any officer who remembered the retreat from Holland, whether we owed the Dutch people any obligations for the kindness and hospitality with which they then received us? He only mentioned this to show that the injury and the injustice which had been committed was not so entirely upon our side as the noble Earl and his friends in opposition contended. He had not, however, on this account any unfriendly feeling towards Holland. He lamented exceedingly that a separation had taken place between Holland and Belgium, but the separation having taken place, the great object in the recent negotiations had been that it should be settled upon the best terms for both parties. As to territorial arrangements, he must state, that Holland had been justly treated. When the papers were printed, he would undertake to prove, that Ministers had not exacted from Holland anything that was inconsistent with Dutch interests, or that was not necessary to the security and independence of Belgium. He admitted that many and great

difficulties had occurred in the course of the negotiations. There were times when Belgium would not accede to the reasonable concessions which were expected from her. That disposition, however, had undergone a change. That which was originally a mediation, from the course of events became an arbitration, and at last, after consulting on the best mode in which a separation between Holland and Belgium could take place, a treaty was signed by the plenipotentiaries of the Five Powers—a treaty which was stated to be final, which was to be imposed on both countries, which was accepted (unwillingly, he admitted) by Belgium, but which, having been accepted, we were bound to carry into full effect. It was impossible, without having the papers on the Table, to go into all the details of the question; but there was one point connected with them on which he must claim credit with the House. The noble Earl, in the course of his speech, had taken care to draw a distinction between the course of policy approved by three of the Powers, and that pursued by the other two. Now, on that point, he would beg leave to set the noble Earl right. He would tell the noble Earl, that during the whole course of the negotiations, the points on which he founded his objections to the policy of the English and French Governments were the precise points on which the Five Powers were always unanimous. What the noble Earl might say to this he could not conjecture; but he could not suppose that the noble Earl, who said, that Ministers were led by others, would give them credit for leading others themselves. This, however, was the fact—that, at last, when no mode of delay, nor chicanery, no artifice had been left untried by the party to whom the noble Earl was that night lending his countenance, it was stated in the last protocol by the Ministers of the Five Powers unanimously, that all hopes of bringing the negotiations to a fortunate issue being at an end, they must now proceed to coercion. The noble Earl had said, that the protocols had become tiresome to read. He admitted that fact, and regretted the length of time during which these negotiations had continued. But he must at length speak out. When it was found, from the endless chicanery and delay of the king of Holland, that he would

never come into any terms which did not shut Belgium out from the navigation of the Scheldt, or which did not hold out to him a chance of the recovery of Belgium, what was it the duty of the Ministers of this country to do? Would it not have been worse than ridiculous to have remained longer in a dubious state of peace, which kept us in perpetual alarm of war? By all the Five Powers of the Conference coercion was deemed a necessary measure. The mode only was in dispute; and that being the case, it did appear to him that the only proper course was, for England and France to unite, as they had united, to bring Holland to reasonable terms. This was the situation of affairs when the Convention of the 22nd of October was signed. He would confess that it was with great pain that he had signed that document, but he was convinced that there was no other course left for him consistent with the honour and interest of England, and with the general tranquillity of Europe. The result of that Convention had been the capture of the Citadel of Antwerp. But then the noble Earl asked, "How does the capture of Antwerp bring you nearer to the object which you have in view?" He would answer that question by stating, that having given the Citadel of Antwerp up to Belgium, a great chance of creating a war for its possession between Holland and Belgium was removed; and that, having taken the citadel from Holland, a great temptation to go to war for its retention was taken away from that power. "But," continued the noble Earl, "you have the Scheldt now closed against you, which never was closed against you before." Now, before he admitted this inference, he must tell the noble Lord that he disputed his facts. He admitted that the Scheldt had once been closed by the king of Holland, but then it had been subsequently opened by the Five Powers, who had informed his Majesty, that if that river continued closed by his commands they should consider it an act of hostility. But the noble Earl insisted that the Scheldt was closed now; so it was against France and England, in consequence of the embargo which we had placed upon Dutch vessels in our ports; but the embargo which we had placed on those vessels prevented us from urging the shutting up of

the Scheldt as a just cause of war against Holland. With respect to the two fortresses alluded to by the noble Earl it had not been thought necessary for the French army to remain to take possession of Forts Lillo and Liefkenshoek, although, according to the terms of the Convention, they were dependencies of the Citadel of Antwerp, and under the command of the governor of that fortress. The noble Earl was too hasty in his observation, when he stated the French army had retired, because they felt that they could have done nothing against those forts. He was well aware that some persons, and those not exactly old women and children, had used just the same language about Antwerp. They had said that, owing to the season of the year, the dampness of the climate, and the insalubrity and inclemency of the weather, the French would "die like rotten sheep" before the walls of that fortress; but the fact had turned out contrary to the hopes, and he might even add to the wishes, of such persons; and he had little doubt that if the experiment had been tried, the result would have been equally fatal to the hopes and wishes of these persons both at Lillo and Liefkenshoek. Conceiving that the continuance of the embargo was sufficient to effect the remaining objects, the French Government had withdrawn its army from the walls of Antwerp with a good faith and honour which justified the confidence which he felt in the preservation of the general peace of Europe. The noble Earl was glad, he said, to hear, that even now, under the revolutionary government of France, good faith and honour were not mere idle words. The noble Earl might perhaps, succeed to the place which he (Earl Grey) had then the honour to fill in his Majesty's Councils. As far as he was concerned, he would say that, for his own comfort and happiness, the sooner the noble Earl did succeed to it the better; but he could not flatter the noble Earl by adding to that declaration, "the better it will be for the country;" for, speaking conscientiously, he did not believe that it would be so. He would, however, put it to the noble Earl, whether, in case he should succeed to the office he at present had the honour to hold, the noble Earl thought that, after directing such violent attacks, not only against the Government, but the people of France,

he should be able to administer the affairs of this country as well and as amicably as he would be able to administer them by using wiser, and gentler, and more conciliatory language? "But then," proceeded the noble Earl, "the attack upon Antwerp was not made with the single view of ensuring to Holland and Belgium a separate existence on principles of mutual security and independence, but it was made to please the party of the *Mouvement*;" and then, with an inconsistency which would be wonderful in any but the party to which the noble Earl belonged, he aded, "it was also made to keep the present French government in office." Now he had been led to imagine that the party of the *Mouvement* was adverse to the present government of France, and he must therefore ask the noble Lord to explain how the party of the *Mouvement* could be pleased by a measure, which was calculated to keep their antagonists in office. He would tell the noble Earl, however, that he considered the security of the present ministers of France in their offices to be a question of grave interest to England, and not only to England, but to Europe also, for on their maintenance in power, the preservation of the general tranquillity of Europe, he believed, mainly depended. He felt himself unable, and at the same time he did not feel it necessary, to go further into this subject than to state, that the principles on which the negotiations were conducted being the mutual security and independence of Holland and Belgium, were repeatedly frustrated and delayed by some parties—he would not say who they were—by whom the Dutch government was encouraged to persevere in a series of measures, which, if further persisted in, must have been destructive not only to the Dutch themselves, but also to the peace of the world; and that it was their opposition only which had prevented this measure from being brought to a successful and satisfactory issue. The noble Earl had endeavoured to throw ridicule on the assertion that at present there was no war with Holland. Ridicule it as the noble Earl might, the fact was so—there was no war with Holland, though there might be hostile measures in operation, made equally for peace or war. If war should take place, the vessels captured and embargoed would be declared good prize; if peace should take place, they would

one and all be restored. Nothing, he assured their Lordships, would give him, individually, greater pleasure than such an acquiescence on the part of the king of Holland with the wishes of the English and French governments as would enable us to restore to him all the valuable ships now detained in our ports on account of his mistaken obstinacy. "But a different course," said the noble Earl, "might have been pursued—the Five Powers might have united and compelled Belgium to subscribe to the terms which they proposed." To this assertion he must answer, no: it was necessary, if Belgium was to be an independent state, to provide and secure for her the means of carrying on her commerce, and to such provisions the Dutch monarch had positively refused his assent. But then the noble Earl says, "we should have used firm language;" in other words, he supposed the noble Earl meant to say, that we should have gone to war to compel Belgium to accept the terms of Holland. We might have had a war if such measures had been resorted to; but whether it would have been such a war as would have answered the noble Earl's expectations, must be very doubtful. The consequences of such a war,—which would have been a war of principles, and which, if once commenced, would have kindled a conflagration in every quarter of Europe,—he could not contemplate without horror, and he had, therefore, felt an earnest desire to avoid that evil,—of all evils which desolate humanity the greatest,—which the Ministers were told on their accession to office they could not prevent for two months, but which, by the gracious interposition of Providence, they had now prevented for more than two years. He desired their Lordships to give his Majesty's Government credit, until the papers were laid before them and printed, for having endeavoured to secure to Holland a frontier which gave her such means of defence as she had never possessed before—for having conferred upon Holland advantages which she had never previously enjoyed—and for stipulating that she should open the navigation of the Scheldt—a measure which would not injure her own commerce, but which was absolutely necessary to the independence of Belgium. He would undertake to show, at the proper time, that the principles

on which the English Government had acted were fair and just—that they were not selfish—that they rested on a principle of equal justice to Belgium and to Holland—that they were calculated to secure to both, advantages which were necessary to their mutual tranquillity and prosperity, and that they were likely to be conducive to the permanent peace and tranquillity of Europe. The noble Earl had next proceeded to throw great blame on the King's Government for its conduct in the contest now raging in Portugal. Looking to the origin of that contest, he must again say, as he had said with regard to Belgium, the fault was not with Ministers. They could not have prevented that contest. They were not parties to any of those transactions which placed Don Miguel on the throne of Portugal, by the violation of all the obligations of moral duty, by the violation of the oath which he had taken to the Monarch of this country, and by the violation of the engagements which he had contracted with the other Powers of Europe. They were not parties to any of those transactions which placed him on a bad eminence before all the Sovereigns of Europe in the character of a usurper, whom those Sovereigns would not acknowledge on account of his usurpation, and with whom they all of them, Spain not excepted, deemed it right to drop all diplomatic connexion. This was no work of the present Ministers. The usurpation and the breaking off diplomatic intercourse took place before they came into office, and had then continued for some time. The noble Earl went out of office; at that time a recognition of Don Miguel had been promised, but the consummation of that promise, that consummation for which the noble Earl now so devoutly prayed, had not taken place. The noble Earl required an amnesty as a preliminary condition to that recognition. That amnesty was not fairly promised, and certainly was not fairly carried into effect by Don Miguel. From the moment it was called for, all the cruelty, all the violence, and all the persecution, which the noble Earl was so desirous to stop, had raged with aggravated power. The prisons had been filled with women of rank, who were compelled to herd with the meanest malefactors. All the men of rank who were friendly to free government had either died on the scaffold, or had been in-

carcerated, or had been driven into exile and poverty. In addition to all this, there had been inflicted upon British commerce so many injuries, that we were at last compelled to insist on their reparation. The noble Earl accused his Majesty's advisers of having allowed the unsettled state of things in Portugal to continue. But how were they to prevent the continuance? How could they interfere in the quarrel? On the one side there was a usurper, against whom England had, if she had thought fit to insist upon it, a legitimate cause of war, who had placed himself upon the throne of Portugal contrary to the engagements which he had formed with the sovereign of this country, and with whom we had ceased for some time, on that very account, to have any diplomatic connexion. On the other side, there was a legitimate Queen, acknowledged by our Government, and received as the queen of Portugal by two of our sovereigns, Geo. 4th, and Wm. 4th. The noble Earl said, that this war we might have prevented; but would it have been consistent either with the honour or with the moral duty of this country to have said to Don Pedro: "You, the father of the Queen of Portugal, shall not be allowed to establish the rights which we ourselves have acknowledged you to possess?" The noble Earl appeared to intimate that we ought to have used this language to Don Pedro, and that we ought to have followed the language up by preventing him from making war on his usurping brother Don Miguel. He could only say, that we could not have pursued such a course towards Don Pedro without bringing down upon ourselves that general reprobation from the world which we had brought down upon ourselves by firing upon the vessels which were carrying out his troops to Terceira. He thought that we could not, in common justice, have said to Don Pedro: "You shall not establish your daughter's claims against Don Miguel, whom we call a usurper, and with whom we have ceased, in consequence, to hold diplomatic relations." But not having done this, what was it that the noble Earl would have us to do? To enforce the law? The noble Earl says, "the Foreign Enlistment Bill has not been enforced." Now he (Earl Grey) had no hesitation in saying, that he looked upon the Foreign Enlistment Bill as an impolitic measure, but as law it still ex-

isted. When ships were seized in the river for an alleged violation of the provisions of that Act, he had said, "Let the law be enforced," and had referred the cases to the King's Advocate; but the King's Advocate, on looking at the evidence, had reported to him, that there was no evidence on which the detention of the ships could be maintained. As a proof of his desire to enforce the law, he would mention another fact, and that was, that the admiral commanding the fleet of Don Pedro, being a British officer, had been dismissed from his Majesty's service in consequence. But the noble Earl complained that we now had an armed force at Lisbon, and that we were in military possession of that port. As to the military possession, that he must deny; but that we had an armed force at Lisbon he readily admitted; and moreover would contend that we were justified in having it there. If we had not had it there, the Ministers would have been besieged by numberless petitions from British merchants, all praying them to send out that force for their protection which was now fortunately within their call. What would have been the invectives of the noble Earl, ready as he was upon all occasions to pour his invectives upon his Majesty's Government, if, in consequence of there being no check upon that violent police which now rioted undisturbed in Lisbon, they had plundered the property and destroyed the life of every British subject resident in that place? What would have been his accusations against Ministers for having neglected British interests, if they had not stationed a naval force in the Tagus? That would have been a charge against which he should have defended himself with greater difficulty than he generally found in defending himself and his colleagues against the violent vituperations of the noble Earl. He scarcely knew how to answer the noble Earl, when he heard him speak of the deliberate attempt of the police of Lisbon to assassinate a servant of Lord William Russell's as a mere accidental fray on their part. Accidental it could scarcely be, when it was followed up, not only by threats that they would serve the master as they had served the man, but also by an attempt to burst into his house. Such was the insecurity occasioned by this violent conduct on the part of the police, that no British merchant thought himself safe until that force ar-

rived in the river. But the admiral there had orders not to interfere in case of any political disturbance between the partisans of Don Pedro and Don Miguel; and he was sure that all who knew that gallant officer would admit that no man could have executed his orders with greater discretion and forbearance than the gallant officer to whom he was alluding. He certainly did lament the unfortunate state of things existing in Portugal, with the well-being of which country the interests of Great Britain were intimately connected; and there was no opportunity of which he and his colleagues would not avail themselves to restore peace in that country, but, to effect this result, neutrality he considered to be indispensable. He would not, at the present moment, detain their Lordships by describing the unfortunate consequences which would result if Spain departed from a neutral course of policy. He would not anticipate such an event; for it was the wish of himself and his colleagues, in conjunction with Spain, to restore peace in Portugal on such terms as would render it permanent. The present government were not responsible for the afflicting circumstances in which that country was placed; but it was, nevertheless, their most anxious desire to see an end put to them as speedily as possible. He had now said all upon this subject that he conceived to be necessary; and he assured the noble Earl that he should be prepared to meet him whenever he chose to bring the question in a more distinct form under their Lordships' notice. Adverting, though with reluctance, to that part of his Majesty's Speech which related to Ireland, he must express his regret at the necessity which existed for the application of strong measures to that country; but he did nothing more than his duty to his Sovereign and his country, when he declared, that the authority of the law must be upheld; violence and disorder repressed; and all attempts which might be made to put an end to the Legislative Union, fairly and fully resisted; for he perfectly coincided in the opinion expressed by his two noble friends, who had so eloquently moved and seconded the Address before the House, that the effect of the Repeal of the Union would be ruin to both countries. The noble Earl opposite had stated to their Lordships, that he feared some hostility to the interests of the Established Church was implied in

the manner in which allusion was made, in his Majesty's Speech, to the necessity of reform with regard to that institution. He (Earl Gey) thought that anything of that nature had been carefully guarded against in the phraseology of the Speech from the Throne. He felt the necessity of effecting reform with respect to the Church, and he believed that a great majority of the members of the Established Church and the clergy themselves joined with him in that opinion; but he wished to effect that reform, as had been stated by his noble friend, on conservative principles. What he wished to do was, to uphold and not endanger the Church—to remove those abuses which produced general discontent and dissatisfaction, and to place it on such a footing as to command the respect of those who adhered to, and even of those who dissented from it.

The Earl of *Aberdeen* rose to offer a few observations to the House, in consequence of the noble Earl opposite having imputed to him unworthy motives because he had thought proper to advocate what he conceived to be the just claims of the king of Holland. The noble Earl had accused him of being actuated by a desire to embarrass his Majesty's Government. Now, he could assure the noble Earl, that he should be ever ready to lend his feeble aid to embarrass the progress of injustice and oppression; and he declared that there was no act which he had ever done that gave him greater satisfaction than the endeavour he had made to uphold that cause which appeared to him to be the cause of justice, and right, and of England. The noble Earl, perhaps, might recollect that at the time when this country went to war with Holland, we also were at war with France; and Mr. Fox at that period said that the British Ministers must be in the pay of France to engage in such a war. At the present moment we were in a different situation—we were friends with France, and at war with Holland; and he would leave his Majesty's Ministers to imagine what Mr. Fox would have said had he lived to witness this state of affairs.

The Duke of *Wellington* was surprised that the noble Earl opposite, having admitted the propriety of discussing the topics contained in the King's Speech, should have thought fit to find fault with his noble friend (the Earl of Aberdeen) for adverting, on the present occasion, to the questions of Belgium, Holland, and

Portugal. There could be no doubt that it was the duty of his noble friend, entertaining the opinions he did on those particular subjects, to avail himself of the first opportunity to state to their Lordships what those opinions were. The noble Earl opposite had insinuated, in one part of his speech, that it was the object of some noble Lords on that side of the House to create difficulties to embarrass his Majesty's Government, and that, indeed, they had created all the difficulties which the Ministers had met with. He had seen charges of a similar nature openly published in the public newspapers—to the effect that some of them had given advice to the king of the Netherlands what course to pursue in the late transactions relating to Belgium. He could tell the noble Lords opposite, that if he had advised the king of the Netherlands how to act, they would have found much greater difficulty in carrying into execution their measures of embargo and seizure than they had yet experienced. He could have told the king of the Netherlands that which he happened to know to be true—that, for some days after the issuing of the Order in Council, placing an embargo on Dutch vessels, the mouth of the Thames remained open, unprovided against attack; and that there was nothing to prevent the king of the Netherlands taking ample revenge for the injuries Holland had received. If he had been the adviser of the king of the Netherlands, he might have urged his Dutch majesty to take advantage of this favourable circumstance; but he was glad to say that the king of the Netherlands had acted a wiser part; and he would have acted still more wisely, in his opinion, if he had allowed British ships to resort to his ports. If he had done that, he would have shown the embargo to be impracticable and an entire failure, and he would have found that the country which he governed would have carried on as much commerce with British merchants as it did previous to the issuing of the Order in Council he had just alluded to. He, therefore, regarded with contempt insinuations which had been thrown out against the honour of those persons who entertained sentiments similar to those expressed by his noble friend, and who took the present opportunity of stating them to the House. The noble Earl opposite had been pleased to refer to an opinion which he (the Duke of Wellington) had expressed respecting the

practicability of effecting the re-union of Belgium and Holland. It was very true that he had stated, on a very early occasion after quitting office, that he did not believe it to be possible to re-establish the union between those two countries, but the union he alluded to was a legislative union; and he thought the noble Earl opposite, when reminded of the circumstance, that he himself had instigated the Prince of Orange to offer himself to the Belgians for the purpose of being chosen sovereign, would acknowledge that he at one time had some notion of re-establishing the two countries under the dominion of one sovereign. The noble Earl had stated to the House, that the present Government had done nothing to cause any hesitation on the part of the king of Holland to sign the treaty which had been proposed for his acceptance. Now his opinion was, that from the very first moment the present Ministers had the charge of the negotiations respecting Belgium, they had abandoned the cause of the king of Holland. He had frequently stated that while he was in office the cause of the king of Holland was considered the cause of the British Government, and that almost the only business of our Minister in the Conferences was to take care of the interests of Holland. But from the moment the present Ministers had the management of the negotiations, they abandoned that interest, and he would presently give their Lordships sufficient proofs of the truth of this statement. They began by abandoning the interest of Holland when they admitted the independence of Belgium in 1830, scarcely a month after entering into office, and in carrying on the Conferences without calling for the presence of the minister of the king of the Netherlands. They afterwards fixed on what was called the bases of a treaty, and the very moment those bases were offered to the king of the Netherlands he accepted them. The noble Earl had charged the king of Holland with a desire to recover his lost dominion of Belgium. If this were true, how happened it that he at once accepted those bases of treaty? Those bases were declared over and over again to be unalterable and irrevocable; and as France agreed with the other Powers on this subject, Belgium might easily have been forced to accede to them. But it presently began to be discovered that there was a possi-

bility of the election of Prince Leopold as sovereign of Belgium; and, ever afterwards, the whole conduct of the British Government appeared to be guided by that consideration. From that moment the good of Holland was considered a secondary object in comparison with the advantage of Belgium. From that moment difficulties began to occur, and they found it necessary, day after day, to make better terms for Belgium, and left Holland to find her way out of the negotiations in the best way she could. The consequence was, that those bases, which had been declared to be irrevocable, were changed, and new Articles were framed, which the king of the Netherlands was called upon to accept. These, however, he declined, and the Conference, which was at first called together for the purpose of reconciling the revolted subjects of the king of the Netherlands to his authority, and which afterwards was converted into a mediatory Conference, finished by becoming a Conference of arbitrators. The arbitrators then proceeded to draw up twenty-four new Articles, which were rejected by the king of Holland; and after considerable consideration, accepted by Belgium. Now, their Lordships would naturally suppose that his Majesty's Government, being aware of the repugnance of the king of Holland to accede to these terms, would not have been in a hurry to force them again upon him in the shape of a treaty. But in a short time after, on the 15th of November, 1831, these Articles were turned into a treaty, which from that time to this had been the source of continual divisions. It was curious enough, that two of the parties to this treaty, which was likewise stated to be unalterable and irrevocable, did actually make considerable alterations in it after it had been signed by Belgium. When this treaty came to be signed, Austria, Prussia, and Russia were found not to agree to it. The noble Earl asked, "Did we influence those powers?"—"Yes, we did." He knew what the result of this Conference would be, as soon as the cause of Holland was abandoned by the British Minister. From that time it was abandoned by the other ministers, parties to the Conference; and a proof that it was, might be found in the fact that those ministers were not authorized by their sovereigns, in February, to ratify the treaty. He went further, and said, that, in these very acts of ratifi-

cation by those three Powers, it was understood that England and France were the Powers which pushed this measure forward, and not the other three Powers. The king of Prussia said, that, 'In sending 'in his ratification, he expects that the Ministers of the signing Powers will immediately occupy themselves with the modifications which might be made in the 'Treaty in favour of Holland, and which, 'without altering the substance of the 'twenty-four Articles, might be supplementary and explanatory of them, and 'have the same force and value as the 'other Articles; and Prussia considers 'herself more under the necessity of insisting upon this point, in consequence 'of the assurances, frequently repeated 'by France and England, that the moment 'for taking these important modifications 'into consideration ought to present itself 'immediately after the ratification.' Was it possible, that the king of the Netherlands should have known what was then passing in this country? The emperor of Russia, in his note accompanying his ratification, spoke still more strongly in favour of those modifications of the treaty on behalf of Holland. After this, negotiations recommenced, and considerable progress was being made in bringing matters to a conclusion, when the Belgian minister came forward and said, that he could not submit to any alteration of the treaty unless Antwerp was first ceded. The business of the British Cabinet at such a juncture should have been to have persuaded the Belgian minister to give up this point; but they did nothing like it. The king of the Netherlands sent no answer to the proposition, and from that moment, the capture of Antwerp was the great object kept in view. He was thoroughly persuaded that the noble Earl (Earl Grey) would not be able to disprove one word of what he had advanced, as it was founded upon the contents of the documents themselves. His noble friend (the Earl of Aberdeen) had been blamed by the noble Earl, because he had stated his firm belief that the attack upon Antwerp arose out of a desire, on the part of the French government, to conciliate the party of the *Mouvement*. He entirely concurred with his noble friend. It was his opinion, that no man was more interested in preserving peace than the king of France; and he would take this opportunity of correcting his noble friend in a historical point, which

regarded the conduct of Marshal Soult. His noble friend was mistaken in supposing that Marshal Soult fought the battle of Toulouse, knowing at the time that peace had been concluded; that he could assure his noble friend was not the case. He was thoroughly convinced, indeed, that Marshal Soult, like others, was obliged at present to attend to the state of parties in France, and that the British Government, in order to assist that of France, had seconded this strange enterprise—not very honourable to this country, and very disastrous to Holland. The noble Earl had not attempted to answer that part of the speech of his noble friend where he had argued that the occupation of Antwerp had not advanced the object in view. True it was, that the king of Holland had thus been deprived of one means of annoying Belgium, but in what way did the capture of Antwerp forward the conclusion of the Treaty? The objections of the king of the Netherlands remained as strong as ever, and it was impossible that he should agree to the terms proposed. Even were he disposed to concede, the emperor of Russia could not allow it. A singular mistake seemed to have been made on the subject of the navigation of the Scheldt: it had never been disputed by the king of the Netherlands; and the Treaty of 1815 gave him six florins per ton upon all shipping entering that river, and by the virtue of that treaty the Belgians might navigate that river. The king of the Netherlands, when the question was raised, himself offered to make the navigation free. But the noble Earl stated, that the Treaty could not be carried into execution. He should like to know why it could not be carried into execution, as, for example, as far as related to the interests of Holland in the town of Venloo? The fact was, that Venloo was to be ceded to Holland by Belgium, but Ministers seemed to desire that Belgium should retain possession both of that and Antwerp, and therefore the Treaty could not be carried into execution. Was it wonderful, then, that the king of the Netherlands did not feel very grateful to the British Ministers, or that he should wish, by delay, or otherwise, to avoid the execution of what was attempted to be forced upon him? It was said, also, that this was no war. He did not pretend to be sufficiently skilled in the law of the question, to be able to say whether it did or did not come within the definition of a war; but this he

knew, that it was very much like it, and that an embargo had subsisted for three months, which had been imposed by the King in Council. He could not conceive how it could be fairly said, that Great Britain was not at this moment at war with Holland. He had thought it necessary to say so much upon one part of the subject, and he would now address a few words to their Lordships on the war in Portugal. And first, he would venture to remark, that there was no country of the world in which it was more the duty and the interest of the British Ministry to prevent hostilities than in Portugal. By treaty we were bound to defend Portugal almost as if it were England, while our engagement with Spain was to preserve neutrality. The magnitude of our commercial establishments, and nature of our commercial relations with Portugal, required that, as far as possible, we should preserve her in a state of tranquillity and independence; yet how had our interests been neglected, and our duty abandoned by the present Ministers of the Crown! The present state of Portugal was called, in the King's Speech, "a civil war." It was a revolutionary war—a war carried on by means furnished from England, and for the sake only of plunder. It was supported by persons who had no earthly interest, but that which was derived from the hope of plunder. Yet this was the war which the King of England was taught by his servants, to call "a civil war" between two princes of the House of Braganza. He had a right to consider the King's Speech the Speech of his Ministers, and there he found this passage—"From the commencement of this contest I have abstained from all interference, except such as was required for the protection of British subjects resident in Portugal; but you may be assured that I shall not fail to avail myself of any opportunity that may be afforded me to assist in restoring peace to a country with which the interests of my dominions are so intimately connected." He knew something of war in general, and something of war in Portugal, and he would tell Ministers how they might put a speedy end to existing hostilities there. If, indeed, they wished to restore peace, let them issue a Proclamation calling all the King's subjects from the service of either party. Let them at the same time carry into effect the laws of the country. Let them not,

when the Commissioners of Customs had seized vessels laden with men and means, interpose to prevent adjudication. Let them allow the law to take its course, and judgment to be given in such cases in the proper tribunals, and the war in Portugal would terminate of itself and at once. If Ministers must employ fleets, let them send them where they were necessary—to the Levant, instead of crowding the Douro and the Tagus with British ensigns. Let them do this, and peace would be restored in Portugal in a much shorter time than war had been kindled there. The fact was, and he would engage to prove it, that in the autumn of 1831, the Commissioners of Customs did detain certain vessels in the Thames, which were loaded with troops, with arms, and with ammunition, for the purpose of carrying on war in Portugal. The Act of Parliament showed that the Commissioners were the proper persons to adopt measures on the occasion; but they were ordered by a superior power not to interfere, and to allow the vessels to proceed to their destination. This fact, as he had said before, he would prove, if the noble Earl would allow him the necessary papers. The noble Earl had said something about the last Government, and had remarked upon its conduct when Don Miguel was elected sovereign of Portugal. He did not know whether any charge was meant to be brought against the members of the late Cabinet for its conduct upon that occasion—for having omitted its duty, or exceeded its powers; but this he would say, on behalf of himself and his former colleagues, that they had not felt called upon to interfere with the decision of a people in the choice of a Sovereign. It had, however, appeared necessary at that time for the British Government to discontinue its relations with Portugal, and such was the state of affairs to the time when the last Ministers quitted office. They were then seeking the means of recognizing Don Miguel as sovereign *de facto*, if not *de jure*, and had they continued the advisers of the Crown but a fortnight longer, he would have been recognized—this, too, although the promised amnesty might not have been issued. He and his Colleagues would have been content to recognize Don Miguel as king of Portugal, from an earnest desire to preserve tranquillity in Portugal, by avoiding all ground of hostility. Such they had considered to be

their duty, not only towards Portugal, but with a view also to the interests of Spain. There were two or three other points in the Speech from the Throne which required brief remark; and the first upon which he would touch was the proposed Reform in the Church. Ministers were fond of what they called Reforms in all departments; but he wished that, in their zeal to recommend a Reform in the Church, they had not made his Majesty say something to countenance the notion that blame was to be attributed to the clergy. Why was it necessary, in the Speech from the Throne, to advert to the complaints regarding the collection of tithes? He did not say that such complaints did not exist; but he was sure that they were trifling in number and amount, and that what was said by the King would give encouragement to a party in the country, whose object was to pull down the Establishment. Let the House observe the consequences resulting from a paragraph on the same subject last year, in regard to the Church of Ireland. The condition of the Church of Ireland was most deplorable; it subsisted upon charity, to the abandonment of its rights, and some of the most pious and learned of its members were known to be living upon the bounty of some of their Lordships. With this experience, was it not worth the consideration of Ministers, whether such a paragraph in the Speech of this Session, and in relation to the Church of this country, might not be attended with injurious consequences? At all events, he hoped, since he found the passage in the Speech, that the measures in contemplation had been long considered and well matured. Having voted last year in favour of a measure, brought forward by a most reverend Prelate, whom he did not now see in his place (the Archbishop of Canterbury), upon this subject, and for a second measure, brought forward by the same high authority, relating to pluralities, he should be prepared to give the plans of the noble Earl his best consideration, with the most anxious desire to support them, if he found they were calculated to promote the great end of pacification without injury. Another paragraph in the Speech was devoted to a different branch of the same subject—the Church of England as established in Ireland. The noble Earl had stated the determination of the King's Ministers to maintain the Legislative Union; but, begging the noble Earl's pardon, he must say,

that when he had advised his Majesty to state that the question of the Church of Ireland must be considered on grounds different from those which applied to the Church of England, he had forgotten an Act of Parliament.

Earl Grey: If the noble Duke reads the passage in the King's Speech, he will find that it is not so.

The Duke of Wellington read as follows;—"In the further Reforms that may be necessary, you will probably find, that, although the Established Church of Ireland is by law permanently united with that of England, the peculiarities of their respective circumstances will require a separate consideration." Now, if the noble Earl would refer to the Act of Union between England and Ireland, he would see that this paragraph was in some degree opposed to it, and that the two Churches were there declared to be inseparably united; and that "the preservation of the United Churches, as the Established Church, shall be deemed and taken as a fundamental part of the Union." It remained to be seen what would be done for the Established Church in England; and whatever was found practicable here might, without objection, be applied to Ireland. He was afraid that the doctrine taught by the King's Speech—that one measure was applicable to the Church in England, and another to the Church in Ireland—would be employed to the disadvantage of the Establishment, by its numerous enemies in the sister kingdom. There was another view of the subject which he could not help stating, and to which he entreated the especial attention of the noble Earl. It was this: that in order to maintain the Union inviolate, it was absolutely necessary to pay some attention to the feelings of the Protestants of Ireland. He had paid some attention to the conduct of the Government of Ireland, and he was glad to see that they were about to adopt measures which at an earlier period, would have been more efficient. The noble Earl might, however, rely upon it, that if the Protestants were made to believe that any measure about to be introduced would diminish the efficiency of the Established Church, the danger to the Church and to the empire would, indeed, be imminent. The Protestants of Ireland were the natural friends of the connexion with England, and he entreated the noble Earl never to lose sight of this important truth.

He further begged to remind the noble Earl, and the House, first that the King was sworn to maintain the Established Church in Ireland; and secondly, that in the very last arrangement made, as well for the Dissenters of England, as for the Roman Catholics of Ireland, words were inserted in the oaths to be taken by them for the security of the Protestant Church. This, therefore, ought to be the principle of any change called Reform. He admitted that Ministers were placed in a most anxious and responsible situation, and he declared himself ready to give them every assistance in his power. Having thus stated, as was his duty, his opinion upon these various topics, he should not trouble their Lordships further.

The Earl of *Roden* could not acquiesce in many of the remarks of the noble mover, but was happy to bear testimony to the temper and ability he displayed. Neither could he by any means concur in all parts of the Speech from the Throne, but he was nevertheless resolved to support Ministers, in all measures necessary for the protection of the property and establishments of the country. He trusted, with all his heart, that he should be able to approve the plans to be brought forward in relation to the sister kingdom, now in a condition so lamentably distracted. Having been placed by the loyal Protestants of Ireland in a situation of which he might be justly proud, he felt it his duty to state, that there was no class of the King's subjects more ready to aid the noble Earl in rescuing their native country from the horrors that seemed to await it. He was able to speak upon this subject—not from hearsay, or the reports of newspapers, but from actual and daily observation. He had returned only yesterday from a part of Ireland where he had resided for some time, and where the Protestant gentry and farmers were directly under the influence of the Insurrection Act—they were unable to leave their houses after dusk, lest they should be beaten or assassinated. The fact was, that no representation in the newspapers could come up to the real misery of the Protestant population of Ireland. On this account, he was rejoiced to hear the noble Earl state that order must be triumphant, and that all resistance must be put down by the strong arm of a vigorous law. He could say, from his knowledge, that the clergy of Ireland would be most thankful to receive any

alteration in the Church of Ireland, which was consistent with the maintenance of their rights as Ministers of the Church of England. He was glad to learn, by the speech of the noble Earl, that the separate consideration which he proposed to give to the affairs of the Church of Ireland, was merely on account of particular circumstances, and did not mean that the two Churches were separate. The speech of the noble Earl would gladden the heart of every loyal man in Ireland. The system of intimidation by demagogues and by priests was carried so far in Ireland, that no man could consider his life, his property, or his character safe. He spoke in the presence of several of his noble friends, who, like himself, had resided on their property, and endeavoured to preserve the peace, and promote the welfare of the country. He was anxious to endeavour to remove an impression from the minds of the noble Lords opposite—not that he had seen any evidence of it this night, but on former occasions—he was anxious to remove from the minds of those noble Lords the impression they entertained against the Protestants of Ireland. He could assure those noble Lords, and he spoke in a character these noble Lords would understand, that the Protestants of Ireland had no object whatever in view in the course which they thought it their duty to take, but to protect their lives and properties. When they found a government established capable of effecting that object, the Protestants of Ireland would support that government with all their strength; and that government would find that the Protestants of Ireland would be their right arm, in preserving the Union between the two countries. He knew that the dissolution of the Union meant the separation of the two countries. Though the opinion in favour of that repeal had gained ground, it had not gone so far but that he thought the speech of the noble Earl, and the measures he meant to take to repress disturbance, would open the eyes of those who had been disgusted by neglect and want of protection, and driven to adopt measures that would lead to their utter ruin. He had felt himself called upon to take that opportunity to say these few words. He was unwilling to detain their Lordships further; but he trusted their Lordships would ever remember that the Church of England and Ireland was one, and indissoluble; and that they must stand

or fall together. If the Church of Ireland were attacked, the Church of England would not long be safe; if united, they might stand together and flourish.

Address agreed to.

The following Protest was entered on the Journals of the House of Lords, against the adoption of the Address on the Speech:—

“Dissentient,

“Because, in humbly thanking his Majesty for the papers on the affairs of Holland and Belgium, which he has given directions should be laid before this House, we feel it to be our duty, at the same time, to express our regret that his Majesty should have found himself compelled, in conjunction with the king of the French, to adopt measures which have led to the attack and destruction of the Citadel of Antwerp, and to the capture of the Dutch garrison as prisoners of war.

“We are not informed that any insult has been offered by the government of the Netherlands to the Crown and dignity of his Majesty—that any treaty or engagement has been violated—or that any of his Majesty’s subjects have been injured or oppressed. We cannot, therefore, but deeply lament that his Majesty should have been advised to co-operate in the execution of measures directed, as we think, against the honour and independence of a faithful and unoffending ally, which are compatible only with a state of actual hostility, and which, as it seems to us, are at variance with the principles of justice and of all public law.

“GORDON (Aberdeen).

ERNEST (Cumberland).

WM. FREDERICK (Gloucester).

PENSHURST.

KENYON.

ROLLE.

VERULAM.

BATHURST.

CHURCHILL.

WYNFORD.

ROSSLYN.

BERESFORD.

STUART DE ROTHESAY.

SELKIRK.

LIMERICK.”

HOUSE OF COMMONS,

Tuesday, February 5, 1832.

KING’S SPEECH.] The Gentleman Usher of the Black Rod appeared at the

Table, and, in his Majesty’s name, commanded the attendance of the House of Commons at the Bar of the House of Lords. The Speaker, attended by a numerous body of Members, proceeded to the House of Lords, to hear the Speech from the Throne, and after being absent about twenty minutes, returned and resumed the Chair.

TAXES ON KNOWLEDGE.] Mr. Warburton wished to ask the noble Lord, the Chancellor of the Exchequer, whether it was his intention to bring forward any measure during the present Session, with respect to the duty on newspapers?

Lord Althorp said, in answer to the question put to him by the hon. Member, that every person acquainted with the subject must be aware of the disadvantageous effect of this tax. His wish certainly was to introduce a measure to amend the laws in this respect; but, at the present period of the year, before he knew or could know what might be the result of the finances at the end of the year, it was impossible that he could give any pledge on this subject, or on any other of a similar description. Until he should know the state of the finances, he could not give any pledge on the subject.

Mr. Edward Lytton Bulwer regretted to hear what had fallen from the noble Lord, with reference to the taxes on newspapers, and he should not, therefore, defer an early opportunity of giving notice that he should move for an inquiry by a committee, similar to that during the last Session, and to consider the propriety of the removal of those taxes, which were so generally disliked and detested.

GOVERNOR OF BERWICK.] Mr. Hume begged to ask the noble Lord, the Chancellor of the Exchequer, whether it was the intention of his Majesty’s Government to fill up the sinecure office of Governor of Berwick, and also that of Director-General of Artillery, both of which were now vacant; because, on the answer to that question would depend whether he (Mr. Hume) should bring forward a specific motion on the subject?

Lord Althorp, in reply, said, that with respect to the office of Governor of Berwick, he believed it was intended to fill it up. With respect to the other appointment named by the hon. member for Mid-

dlessex, he was not prepared to give an answer.

Mr. *Hume* would, under these circumstances, call the attention of the House to the subject on Thursday week.

SESSIONAL ORDERS.] The *Speaker* intimated that the usual course with reference to the standing orders of the House, was to immediately adopt them. He would, however, beg leave to suggest, that on this occasion it would be better to delay them till to-morrow, when, if any hon. Member had amendments to be proposed, they could be considered with more propriety.

Mr. *Hume* suggested the propriety of the adoption now of one of the orders—namely, that with reference to petitions. With respect to the others, he should wish them to be postponed until to-morrow, as he, as well as other hon. Members, intended to oppose their general adoption.

The *Speaker* thought the House could not agree to one and postpone the others, as a resolution was last Session adopted to prevent them from being separated one from another.

Lord *Althorp* would not object to the course recommended by the Speaker, and would take that opportunity of stating a proposition he had to make, to the House, which was this. “In the first place,” said the noble Lord, “I shall propose that the House do meet every day, except Saturday, at twelve o’clock at noon, for private business, and for receiving petitions; and do continue to sit until three o’clock, unless sooner adjourned. That, at three o’clock precisely, Mr. Speaker do adjourn the House, and leave the Chair, without putting any question for adjournment. That the business then before the House be taken up on the next day, and have precedence in respect of other business of the same kind. That the House be adjourned only till five o’clock, and that it do then meet and proceed with the business set down in the Order Book. That if a House is not formed before one o’clock, for the sitting between twelve and three o’clock, Mr. Speaker do then take the Chair; and if forty Members be not present, do adjourn the House till five o’clock; and, in like manner, if the House is not formed at six o’clock for the sitting in the evening, Mr. Speaker do then take the Chair; and if forty Members are not present, do adjourn the House till twelve o’clock the next day. That Committees

do sit from nine o’clock till twelve, and from three till five. That no Committee do sit during the sitting of the House, without the special leave of the House.” He would also suggest an alteration in the number of times which hon. Members should be allowed to speak on the presentation of petitions. At present, hon. Members were permitted to address the House—first, on moving that the petition be brought up; again, on moving that it be read; a third time, on moving that it be laid on the Table; and a fourth time, on moving that it be printed. He should propose “that when the contents of a petition have been opened, and the prayer stated by the Member who may have the charge of such petition, Mr. Speaker do desire such Member to bring the same to the Table; and do then direct the Clerk to read it, without allowing any other Member to speak, or putting any question upon such petition, before the same shall have been read, unless it should appear to Mr. Speaker, or to any Member, that the matter of such petition was in breach of the privilege of the House, or that, according to the rules and orders of the House, such petition ought not to be received; in which cases, the question, ‘that the petition be brought up,’ be put, and agreed to, before such petition be brought up.” By the adoption of this Resolution, many of the inconveniences now complained of might be obviated.

Mr. *Cobbett* had long entertained the opinion that some of the Sessional Orders were of much greater importance than they were usually considered to be; for instance, at the commencement of every Session, it was customary to appoint standing Committees for various purposes; but at present, these were mere names, and the Committees never met. There was a Committee for religion—a Committee for grievances—a Committee for the purpose of attending to any complaints that might be made respecting the administration of Government; another Committee for affairs of trade, and the Committee of Privileges. For many years, only the latter Committee had been named, although the House was annually called upon to vote the appointment of the other Committees. He should like to know whether it was the intention of the noble Lord, that these Committees should sit and act, instead of being, as they now were, appointed merely as matters of form? If this were again to

be the case, he should certainly oppose the Motion for the House coming to any Resolution on the subject.

Mr. O'Connell said, it was his intention to take the sense of the House on the propriety of its sitting at eleven o'clock in the day, and not later than eight o'clock in the evening. He would also take the sense of the House upon the best means of preventing effectually the interference of Peers, and also of making effectual the provisions against bribery.

Consideration of the Sessional Orders postponed.

CORN LAWS.] The Marquess of Chandos begged to ask the noble Lord, the Chancellor of the Exchequer, whether it was the intention of his Majesty's Government to make any alteration in the Corn Laws?

Lord Althorp said, in answer to the question put by the noble Lord, that it was the intention of the Government to bring forward such measures as appeared most pressing in their nature and character. He apprehended that there would be great danger of the House not benefiting the country, in the way he thought it would, if too much were to be at once attempted. The questions which would come before the House, and which would necessarily press much on its attention, were so many, and so large in their character, that he (Lord Althorp) really did not think it would be well to go into any new matter. The House would remember, that amongst the questions to be submitted to its consideration, was that of the East-India Charter, and also the Bank of England Charter. Again, there was another question of great importance, relating to the Church Establishment in Ireland, besides the question of commutation of tithes in Ireland, in addition to the other various important topics of which notice had this evening been given by the hon. and learned Gentleman opposite (Mr. O'Connell), and by other hon. Gentlemen. He thought that those questions were more pressing than the Corn Laws, and he did not, therefore, entertain any intention of proposing any alteration of the Corn Laws.

ADDRESS IN ANSWER TO THE KING'S SPEECH.] The *Speaker* said, that he had to acquaint the House that the House had been summoned to the House of Peers, where his Majesty had been graciously

pleased to deliver a Speech to both Houses of Parliament, of which he had obtained a copy, and would read it to the House. The right hon. Gentleman then proceeded to read the King's Speech.*

The Earl of Ormelie said, he rose for the purpose of undertaking the important and honourable, but highly responsible duty, of moving an humble Address to his Majesty, in answer to the gracious Speech he had that day delivered to the assembled Parliament of the country, and which had just now been read to the House from the Chair. Though the Representative of a large county, he felt too sensible that he owed this distinguished confidence on the part of his fellow-countrymen more to his attachment to the principles he had ever entertained, than to any power or qualification he possessed to fulfil those arduous duties which the Representatives of the people were now called upon to discharge. It would, however, be gratifying to him to have the present opportunity of making known to the House the feelings and opinions of those who had done him the honour of sending him there, because he was conscious they were those of loyalty to his Majesty, of attachment to the Constitution, and of reason and moderation in all their expectations as to the happy results which they looked to from the reform which had taken place in the representative system of this country. Assured, therefore, as he was of being the Representative of such a constituency, and having himself always given his support to those principles which guided his Majesty's Councils, and having a firm reliance in the wisdom and integrity of the Ministers who directed those Councils, he had not allowed himself to be influenced by any feelings of a personal nature, which would have urged him not to take a prominent part on the present occasion; and though conscious of his own inadequacy to discharge the task which he had undertaken, yet he relied on the indulgent kindness of the House to bear with his inexperience while he made a few observations before moving the Address. He could not but think he spoke the sentiments and opinions of a large majority of the House, when he said, that the circumstances under which they were assembled were calculated to call forth feelings of joy and congratulation—of loyalty and grati-

* See Ante, p. 87.

tude to his Majesty for the constant solicitude he had ever evinced for the welfare of his subjects, and more especially for the wisdom and firmness of his Majesty's Councils in having strengthened and confirmed their just rights and liberties. If custom or precedent were wanting upon the present occasion, he thought that those feelings would lead the House at once to the Throne, with an humble expression of its loyalty and attachment. They were feelings which, he was satisfied, pervaded and actuated the people of this country—of the more northern parts of which he could speak with greater confidence, as, from his own experience, he could state that the prevailing feeling in Scotland was such as he had described; and he was equally inclined to believe that they were those of a vast majority of the nation. He was happy to speak of the feelings of the Scotch nation, who now for the first time could be said to have a political existence. Too long had a selfish and prejudiced oligarchy suppressed the voice of the people of Scotland and repressed their energies, but they had at last obtained and now enjoyed the rights and privileges of freemen, and the blessings of the British Constitution—of that Constitution, which he would say possessed within itself a renovating and re-animating principle, suited to every change of circumstances and co-equal to every alteration, and co-extensive with every improvement and advancement of knowledge. He much regretted to see in many parts of the country men of influence and property alienating themselves from the affections of the people, by taking a course opposed to the emphatic expression of public opinion which had been from time to time exhibited; but he trusted that such individuals would calmly consider the course they were themselves pursuing, and reflect whether or not it was calculated to ensure the peace and happiness of the country. He would particularly address himself to that portion of the State which, with mistaken notions and feelings, had arrogated to itself the exclusive title of Conservatives; and would call upon them to consider whether their course did not tend to create that political excitement in the country which they spoke of with so much regret, and to enhance all the existing evils? He would also ask them whether the barrier they had raised between themselves and the people would tend to allay any excitement that might

yet prevail, and whether that end would not rather be accomplished by their yielding up party feeling and spirit, and joining hand in hand with those who now looked to the course which opinion was taking in the country, and acted accordingly? Did this party suppose that those who felt with himself wished to impair the institutions of the country, or to pull down or destroy any thing that was valuable or conducive to the general good. No such wish prevailed; on the contrary, it was sought by salutary improvement to strengthen and confirm the institutions in the hearts and affections of the people. He was aware that circumstances had lately occurred to lead some rash legislators, and others with cooler heads, to look for still further and greater change in the laws regulating the representation of the country. Such persons he would request to allow the alterations which had already been made to be fairly tried. So far as the Reform Bill had been tried, laying aside a few partial defects that might have easily been remedied, it had worked in such a way as to make him confident that it would be a benefit to the community, and an imperishable monument to the fame of its promoters. Before any rash innovation was made, he would urge the consideration of the subject with that cool temper of mind which ought to regulate the thoughts of legislators, who should be devoid of that party feeling and those passions which, though natural to be entertained by those who had lost the power they once held, but little served to promote calm deliberation. He, notwithstanding all that had been urged in favour of further change, trusted that all those benefits would accrue which the most ardent Reformer could hope for by any further alteration in the representative system. Turning from that to a more interesting subject, he could not but regret that one part of this empire was disturbed, that lawless violence prevailed, and that the grossest outrages were daily committed. Need he add that he referred to the state of Ireland, which no one could deny had been long oppressed by serious ills and grievances? No one would venture to deny that Ireland was and had been long oppressed, nor did the Government of the country deny it. The Government not only admitted the fact, but was composed of men who, through the whole of their political lives, had evinced

a sympathy for Ireland [“*No, no,*” from Mr. O’Connell]. He repeated that those who now directed the destinies of the nation had ever shown a sympathy for Ireland, and it was notorious that the noble personage who now directed the Councils of his Sovereign refused place and power because the great measure of justice which some years ago became the law of the land could not be extended to that country, owing to circumstances which then existed. Not only on this occasion, but through the whole of his political life, he had ever evinced a strong sympathy for the wrongs and grievances of Ireland. Long oppressed as that country had been by centuries of mismanagement, and oppressed still further by mischievous agitation—oppressed by those fomenters of evil discord who live and fatten upon the ills of their country—oppressed by those harpies, or birds of prey, who had soared over and watched the agonies of their victim, ready to pierce their destructive talons into its side—oppressed he admitted, and said, it had been, but at length a crisis had, however, arrived in its fate. Property and life were now no longer safe; the law and justice of the country were insufficient to punish the offenders; and a system existed which threatened the destruction of all Government, and even of the whole social edifice. It had, therefore, become unhappily necessary that measures of vigorous coercion, and power should be applied, even though such were necessary, deliberate measures of relief were to accompany them. The hon. and learned Gentleman, the member for the city of Dublin, would not deny that there was no safety for property or life in Ireland; and as both must be protected, he was satisfied that the hon. and learned Member would also admit that any law was better than no law, and that, therefore, Ireland must be dealt with according to the circumstances under which the Parliament unfortunately found her. While measures of power and force more than the law could at present apply were adopted, remedial measures must follow, or else they would not strike at the disease itself, but would merely attack some of its symptoms. No evil to which the interesting but unhappy country to which the attention of Parliament had been called was subject, had in his judgment, been so great as an agitation of a most mischievous nature—he al-

luded to the question of a Repeal of the Legislative Union between this country and Ireland. Regarding the great interests of the United Kingdom, as well as those of Ireland itself, the agitation of such a question at all not a little surprised him, and still more that it should have found supporters. He would ask the man with the most Irish heart—of those the most devoted in their attachment to their country—whether he really believed that justice would be better administered by a Parliament in Ireland, or that less party spirit would prevail, or the interests of that country be more impartially protected by a Parliament in Dublin (the focus of the ardent spirits who agitate the people), than by the assembly of the Representatives of the people of the United Kingdom? It was contrary to reason and sound sense that such would be the case; but while he held that the repeal question could not be supported by any argument of reason, justice, or expediency, he again admitted, that Ireland had many serious evils to be redressed, and that Parliament must seek for remedies to remove the diseases of ages of oppression and mis-government. He would ask the hon. and learned member for Dublin, whether he would not act better for the interest of Ireland, and of the United Empire, calmly to consider the state of his own country—he would ask that hon. and learned Member, whether it might not be more conducive to his character as an Irishman, and a subject of the realm, to endeavour to allay the excitement which prevailed, and to co-operate with those who would use their best and most strenuous endeavours to remedy all the practical ills that prevailed, than to foster and augment it. As a Scotchman he might perhaps be permitted to speak on this matter, as Scotland had once been independent of this country; and should such a measure as the Repeal of the Union with Ireland be carried into effect, the pride of Scotland might feel aggrieved, but were her sons, therefore, to give way to such poetical feelings of fancy and imagination? Such feelings or motives, at least, ought not to actuate or influence a Legislator, and though with such views he might himself look upon his country as degraded, yet he could turn to the more solid advantages that Scotland had derived from the Union; and, still further, when he looked as a subject to the moral influence which this country might and

should possess in the great affairs of the world, and looking with integrity and with a firm desire to promote that end, he would no more wish to see a Parliament in Edinburgh than he would wish to see one sitting in the city of Dublin. He would beg to ask the hon. and learned Member, and those who supported the question of a Repeal of the Legislative Union, whether the real question did not mean a dismemberment of the Empire? He would maintain that in Ireland it meant dismemberment. Was the present, he paused to inquire, a fitting time for the agitation of such a topic—a time when such a measure of relief and justice as the Reform Bill had been extended to every part of the United Empire—when an enlightened Administration governed this country, and sympathized with Ireland? His Majesty, in the Speech from the Throne, had directed the attention of Parliament to the Reform of the Church Establishment in Ireland, and had also directed the Parliament of the realm to look at the question in such a way as to promote the best interests and the security of that religion which it professed to teach, and the respectability and efficiency of its ministers. His Majesty had also directed the attention of the House to the question of tithes, and, in allusion to the unfortunate scenes which had occurred in Ireland, in the collection of them for the payment of the clergy, had desired that an endeavour should be made to allay the excitement which had originated from these causes. He repeated, when such measures as those he had enumerated were contemplated, it was not the time for agitating the question of a Repeal of the Union between the two countries. For himself he had every confidence in the policy of his Majesty's Government generally, and, with regard to the internal affairs of this country, that they would be guided on those sound principles which were in, accordance with the law and institutions of the country, and with the present times, and circumstances, as well as with the improvement and advancement which it might be said was daily taking place. The present Ministers had done much, but much still remained to be done. He used not the language of panegyric when he added that, by passing the Reform Bill, and by redressing other grievances, his Majesty's Ministers had laid the basis of greater pros-

perity and happiness to the community at large than had been ever before experienced. His Majesty had also been graciously pleased to direct the attention of Parliament to many other ameliorations that might be made, in particular to the Church Establishment of this country, with a view to the correction of existing abuses, and also to the mode of the collection of tithes here, as in Ireland. All these important topics would, he was sure, meet in Parliament with the most rigid and impartial investigation, and such arrangements he was sure would be made as would allay the effects of all those grievances, of which the people complained, and while they lightened or removed those restrictions which pressed upon the energies of the country, he was sure they would promote the increase of religion, education, and general prosperity. His Majesty had also been pleased to call the attention of the House to two great measures of commercial legislation—he alluded to the question of the Bank of England and the East-India Company's charter—questions which he was sure would be discussed in the spirit recommended from the Throne—that was, with a view to the general commercial prosperity and welfare of the country. For his own part, he must say, that the fewer impediments were thrown by legislation in the way of the industry and skill of the country, the more likely would its free and uninterrupted course tend to the enlargement of the national happiness. He had now endeavoured to direct the attention of the House to those topics which might suitably be discussed on the present occasion, and he would conclude by expressing his confident hope, that the House would now agree to carry the humble Address to his Majesty in such a spirit as should exist among the Representatives of a free, loyal, and grateful people, to a Monarch whose greatest pride and glory would ever be that he had strengthened and confirmed the Constitution of the country, and extended to every part of his dominions the rights and liberties of freemen. It was his humble prayer, that the Almighty disposer of all events might grant to his most gracious Majesty a long life, to enjoy that prosperity now opening on his reign, and to contribute to the happiness of a loyal and grateful people. The noble Lord concluded by moving the adoption of an

Address, which he read, and which was, as usual, an echo to the Speech.

Mr. *John Marshall* rose to second the Motion. He claimed the indulgence of the House while he shortly stated the reasons which appeared to him to be quite sufficient to induce the House to agree to the Address which had been moved by the noble Lord who had just sat down, the adoption of which he had risen to second. He hoped the House would not think it unbecoming in him, the Representative of a large manufacturing town, now for the first time represented in Parliament, if he shortly alluded to the measure of reform which had entitled that town to Representatives, and which had been discussed, and so happily concluded, in the last Parliament. It had been made apparent, and must be clear to the most strenuous opposers of that measure, that, at any rate, its machinery had proved most effective, and it must be allowed, as far as that went, the plans for registering the voters—the mode of taking the poll—the duration of elections—all these arrangements had been found of the greatest advantage; and he entertained no doubt that equal benefits would result from the more substantial parts of the measure, and particularly in the character of the proceedings of the House, with reference to the bringing to a happy conclusion all those great and important measures which must be submitted to its consideration. He could not avoid stating the satisfaction he felt at the change made in the constitution of the House; neither could he deny himself the present opportunity of expressing his gratitude to the Administration by whose great exertions the change had been brought to bear. That a reform must have been effected at some time he never had a doubt, but he must say, that the Administration had done that which entitled them to the good opinion of the country, in having brought forward the measure in a time of peace and tranquillity, when its details could be calmly and dispassionately discussed. Coupled with this, a greater attention than formerly was now paid to a strict economy in the public expenditure, while, by the exercise of the influence of this country with regard to foreign relations, the Ministers had manifested a course of policy in accordance with the true interests of the country. He could not but think

that the Speech delivered from the Throne this day showed the same policy which had hitherto been pursued by his Majesty's present Government. He, however, could not but regret that the settlement of the Belgian question had not yet been accomplished, but certainly, by the capture of the Citadel of Antwerp, one step had been taken towards a termination of the hostilities between Holland and Belgium. He trusted that the House would support his Majesty's Ministers in this respect, for, had they acted a different part, it is not possible to conceive in what position this country would have been placed, and any other course than that which had been followed would have been dangerous to the interests, not only of England, but of Europe. This nation was certainly mainly interested in the maintenance of peace; for by that the peculiar interests of Great Britain could be better protected, and all those great questions submitted for legislation in times of tranquillity, which it now so much behoved the Government to bring to a satisfactory conclusion. The condition of Ireland, though all-absorbing, he would not now touch upon, further than to state his opinion, that a separation between the countries would be most injurious to Ireland, and that he thought the interests and wants of that country would be better treated and protected in an imperial than in a local Parliament. The hon. Member concluded by seconding the Motion for the adoption of the Address.

Mr. *O'Connell* said, that it was impossible in his opinion for the Representatives of the people to agree to such an Address. He thought it was a bloody, and brutal Address [*laughter*]. Yes, in spite of that laugh, he was sure that it was a bloody Address. It was exactly what he expected—a declaration of civil war, and that declaration would be echoed by many a wail and many a lament throughout Ireland. It was such an Address as this that was put forth to America when England sent her secretaries there to write her history in blood; but that attempt terminated in the utter disgrace and discomfiture of this country. He repeated, that the Address proposed was bloody, brutal, and unconstitutional; and when he heard the talk in that House as to the deep interest which it felt for the welfare of Ireland—when he

heard the gallant officer and the newly-returned member for Leeds speak of the attention which the situation of Ireland would receive in that House—he could not avoid telling them, with indignation, that this brutal Address showed but too plainly what sort of system was intended to be acted on towards that unfortunate country. He called it a brutal Address—for it was nothing else. He had told the right hon. Secretary last Session, that his measures would increase the evils of Ireland. He prophesied it at that time, and his prophecy had proved to be a true one. He should now beg that that part of his Majesty's Speech at the conclusion of the last Session, which related to Ireland, might be read.

The Clerk accordingly read the following passage :—

“ I have still to lament the continuance of disturbances in Ireland, notwithstanding the vigilance and energy displayed by my Government there in the measures which it has taken to repress them. The laws which have been passed, in conformity with my recommendation at the beginning of the Session, with respect to the collection of tithes, are well calculated to lay the foundation of a new system to the completion of which the attention of Parliament, when it again assembles, will of course be directed. To this necessary work my best assistance will be given, by enforcing the execution of the laws, and by promoting the prosperity of a country blessed by Divine Providence with so many natural advantages. As conducive to this object, I must express the satisfaction which I have felt at the measures adopted for extending generally to my people in that kingdom the benefits of education ”

Mr. O'Connell continued. Here Ireland was described as a country “ blessed by Divine Providence with so many natural advantages.” It was, indeed, so blessed. Had Scotland, he would ask, so many advantages? Had even England so many advantages? How, then, did it happen, when they talked of the natural advantages of Ireland, that that country was in so wretched a state? He might be sneered at, but he would assert that there never was so fruitful a country presenting so much misery; there never was in the history of the world, so poor a people with so rich a church. How was, it, that after seven centuries of op-

pression, there was still to be a call for blood in that country? If Irishmen had had the conducting of Irish affairs, and the country was found in its present state, then the Parliament of England might have reproached them. But such was not the case. The work of evil was perpetrated by others. It was unnecessary to speak of what the noble Lord and the hon. Gentleman said the Government meant to do for Ireland. If, after seven centuries, during which Ireland was subject to this country—if, after that long lapse of time, a territory so blessed by Providence, and so cursed by man, was still in a state of wretchedness and misery, he threw the blame on those to whom the Government had been intrusted. He would tell them that their schemes of domination and of oppression could not succeed; and he would say that there was but one remedy for the woes of Ireland, and that was—to do justice. He had asked, on a former occasion, why it was that Ireland was plunged into such a wretched situation? But he received no answer. Oh—yes, he did. The noble Lord, the member for Devonshire, made a speech at him, the noble Lord emptied on him the phial of his wrath; but how did that affect him? He felt it not. He very well knew that there was not a scion of English nobility that did not think himself better than an Irishman; and because he stated the wrongs of Ireland—because he argued that his country should not be left a spoil to the right, hon. Secretary—he was sneered at, and even accused as the author of the evils by which his country was weighed down. Was Ireland, he demanded, more peaceable now, after the measures of the right hon. Secretary, than it was at the time to which he alluded? Had not crime increased? Why had it increased? That was the only subject of inquiry. Originating where it did, and spreading as it had done, these points properly considered would show what sort of care was entertained for the welfare and happiness of Ireland. It was very well to talk of what was meant to be done for that country, but neither he nor those who thought with him would be content with the lip-service and mere professions of any set of men. He asserted, that crime had increased. Then came the question, why had it increased? There were two modes in which it had been accounted for. The noble Lord accounted

for it by saying, that it was produced by agitation; and it appeared, from the manner in which the statement was cheered, that many Gentlemen entertained the same opinion. But the Gentlemen on the other side of the House forgot, when they thus expressed their hostility to agitation, that it was only last year that they themselves were reproached with the crime of being agitators. Those Gentlemen were told that the people of England wanted no such Reform as these agitators contemplated; that they wanted none of those changes and innovations which Ministers proposed and carried; and the charge of agitation was then advanced against them infinitely more strongly than it had ever been directed against him and his friends. So far as he was himself concerned, he treated with contempt this charge of agitation. The question was, whether the increase of crime was caused by agitation or by misgovernment? He would prove that the latter was the cause. Crime had not been increased by words, but by deeds. This was the question at issue between him and the noble Lord. The noble Lord, after having called him "a bird of prey," and after having made use of several similar metaphors, had, in the end, the singular modesty to request his co-operation in supporting certain measures. What co-operation could be expected from a bird of prey, he certainly could not conceive. They had heard much of what was to be done for Ireland. The right hon. Secretary had been for two years in Ireland, and what had he done for that country? What measures had he given notice of to night? Why, his rodomontade alteration in the Grand Jury Law, which he had introduced the Session before the last, and another measure for increasing the constabulary force in Ireland. Those were the only projects they had heard of. Now, really, whether he was a bird of prey or an agitator, he did not think it was worth while to call on him for his co-operation with reference to such measures. When the noble Lord had done as much for Scotland as he (Mr. O'Connell) had done for Ireland, then, perhaps, the noble Lord would be justified in speaking so confidently. Did the noble Lord find his countrymen trampled under foot? Did he raise them, by his exertions, from that state of degradation? If he had done that, then he might have raised his voice as he had done. But, in the absence

of any such claim, let him not, whatever his rank and station might be, assail men better than himself. What a curse was it for Ireland, that every popinjay you met in the streets, who was capable of uttering fifteen words, was sure to lard his sentences by sarcasms against Ireland. The terms which the noble Lord applied to him he rejected with indignation and scorn. They proved the noble Lord's disposition to be injurious, but they proved nothing more. Looking back to his past career, he recollected the time when the reproaches directed against him that night were multiplied tenfold. The epithet "bird of prey," and other angry expressions, were light and idle compared with the reproaches which were cast on him when he agitated the Catholic question. He agitated then efficiently; and the conduct of the King's Government that day would enable him to agitate still more effectively. The Government agitated for him. They were forcing Ireland into a situation from which it could only be relieved by due concession, or by a sanguinary convulsion. In his opinion, then, the Repeal of the Union was necessary for the preservation of the Throne to the King and his successors—it was essentially necessary for the peace and the prosperity of Ireland; and he thanked the repealers of Ireland for having, by their conduct, raised that question to the dignity and station which it at present held. It was the habit, last year, to sneer and laugh at that question—in short, to talk of it as a subject that never would be agitated in that House. But now what was the case? All parties in Ireland were nearly reconciled by the conduct of the right hon. Secretary, and all men agreed that the question was one which demanded, and must have, a public, a distinct, and solemn discussion; and, moreover, that it was a question which was not to be put down by the force of the bayonet, but, if possible, by the moral force of proof, and that he was certain could not be adduced; for those who supported repeal had right and justice on their side. He would now return to the original question. It was said that agitation had led to the present state of Ireland. He asserted that those who thus argued were totally wrong. He, on the contrary, would aver that agitation had reduced crime. The history of the country proved it, and it was a great pity that men could not read their

own history correctly. If those who opposed his opinion were right, then agitation ought to be put down; but if wrong, then justice should be done to Ireland. He claimed justice, and nothing but justice, for Ireland; but the Ministers proclaimed civil war for Ireland—theirs was the system of bayonets and bullets. They called for additional force. In this mode of Government there was no ingenuity, no talent, no new discovery; for 700 years England had governed Ireland in the same way. In the time of Henry 8th, when only a portion of Ireland contained King's subjects—in the time of Elizabeth, when only a part of the Irish were Queen's subjects—the Government was carried on in the same way. And here he could not refrain from remarking that so very ignorant were Englishmen in general of the history of the sister country, as it was sometimes styled, that he never yet met the Englishman who knew that it was not until the year 1614, in the reign of James 1st, that all the inhabitants of Ireland became King's subjects. Having thrown forth this observation, he would next remark that more blood had been shed in Ireland during the Administration of the right hon. Secretary than during that of the Earl of Strafford. The peasantry were slain by day—assassinated by night—openly by soldiers and policemen in the day—at night murdered by the wretched outcast from society, the white-boy—a man most commonly converted by misery and oppression into a monster. The wantonness with which life was every day sacrificed in Ireland was appalling. By a late post it appeared that a farmer in Wexford was shot by the police, in passing a river, because he refused to stop in obedience to their mandate. In Mayo, the other day, peasants were shot for looking hard at the police. In the Queen's County, a man was murdered for singing a song which sounded unpleasingly in the ears of the police. And there was the affair at Kanturk. Really this was worth a moment's consideration from the House. Several parishes, it appeared, had assembled for the purpose of peaceably petitioning for relief from tithes. The right hon. Gentleman had since put down all meetings consisting of more than one parish. Well, so be it; but, as usual, the police attended this meeting in coloured clothes, and mingled

with the peasantry. The soldiers, too, were of course brought to the ground with guns loaded, bayonets fixed, and all things in a state of warlike preparation. Now mark—one of these disguised policemen threw a stone at the soldiers. Fortunately the people did not follow his example, and the military displayed that temper and forbearance which, in the discharge of their arduous and afflicting duties in Ireland, had distinguished them so often. The man was seized—there were seven witnesses to prove that he had thrown the stone; but there was excessive difficulty in getting a Magistrate to receive the depositions, and when the bill of indictment came before the Grand Jury of the county, it was ignored. That was the way in which justice was administered in Ireland. Hear another story:—A party of police went out lately—one of them was drunk. Hearing the approach of his officer, he went into a cabin, and said to the man and his wife, "For God's sake hide me; if my officer sees me in this state I shall be broken." The police were not in favour with the people: still they could not find it in their hearts to refuse him; so the woman hid him in the bed with her children. The party of police called several times, asking for their comrade. The woman said she knew nothing about him. At length she took him out of the house, and, as the country thereabouts was rendered dangerous by the frequent eyes of coal-pits, she walked upwards of a mile and a half with him, to put him on a secure road, and carried his gun for him all the time. When she came home, however, she found another party of police in her house. They insisted that she had concealed the policeman, and finally seized and handcuffed the man and woman—actually handcuffed her. There was no doubt here; yet there was no indignation expressed. A Mrs. Deacle was handcuffed, or said to have been handcuffed—he did not mean to say she was not—and that House, and indeed all England, were thrown into uproar by it; but the poor woman to whom he alluded was merely an Irishwoman. To proceed, there was some resistance offered by the people who witnessed these things, and there was, in consequence, another slaughter. He begged to tell the gentlemen of England this question was one of life and death. If they employed additional force—more military and police—

they would only have more blood. In the case to which he had alluded, a Coroner's Jury brought in a verdict of wilful murder. Now he accused the right hon. Secretary of being a party to all the slaughter at the other side of the water; to that of Newtownbarry, for example. Here he would take for granted that the yeomanry were right; so be it: still it was the right hon. Gentleman and the Government that put into the yeomen's hands those deadly weapons by which men, women, and children were slaughtered. The right hon. Secretary had turned Lord Anglesey into Tithe-Proctor General for Ireland. The gallant Governor and General had made a right glorious campaign; he had conquered parish after parish; he had confiscated the petticoat of the old woman, and the porridge-pot of the young child; he had converted all the barracks into receptacles for tithes, the soldiers into drivers for them; he had scoured the country with cavalry and infantry, aye, and marines; and there certainly was no question, that wherever he had thought proper to apply force he had been successful. Where, then, was the need of additional force in Ireland? Additional force, he contended, would only be productive of additional crime. He now came back to the question, was crime the offspring of agitation or misgovernment? It was proved by the parliamentary reports, and more especially by the last, that all those crimes were committed by the lowest class of the community, and that there was no connexion between them and any feeling of a political nature—nay, more, he would defy any person to point out a time when there was political agitation in Ireland that was not comparatively free from crime. He would give them an instance of this fact. There was no period in which Whiteboyism was more rife in Ireland than in 1821 and 1822. The system had almost assumed the character of actual insurrection; the parties assembled on the hills, and committed murders in open day. There was no political agitation at that time. On the accession of George 4th, and particularly after his visit to Ireland, relying on his supposed sentiments, the Catholics determined to wait until the Monarch expressed his own spontaneous sentiments on the subject of Catholic emancipation. They therefore abstained, at that time,

from agitating the question. In what state was the country then? There were eleven counties proclaimed under the Insurrection Act, and seven more were about to be placed in the same situation. But when the Catholic Association was formed, and when the principle of agitation had been in full force for ten months, then disturbance ceased, and every county in Ireland was quieted. That was a positive fact, and he challenged the Gentlemen opposite to contradict it. Let those who cheered so loudly when agitation was mentioned as the cause of insubordination, bear this point in mind—that crime was widely extended when there was no agitation, but that it was repressed when agitation prevailed. When he made this statement, was he speaking to the deaf adder? Was he addressing himself to men who would not listen; or who, if they did listen, would not take a lesson from the past with respect to the course which they ought to pursue for the future? They might outvote him against Ireland, but they could not shake those truths. He was speaking for Ireland, for unhappy Ireland. They might sneer at, or taunt him as the agitator; but, conscious that he was performing a sacred duty, he could laugh at all that now. What became of this argument founded on agitation, when he proved, that when they did not agitate, multitudes of crimes were perpetrated; but that, when agitation prevailed, crime ceased? What was the reason of this? It was because the Irish were a shrewd, a calculating, an observant people. Seven centuries of misgovernment and oppression had taught them to understand the signs of the times; and when they saw any prospect, however remote, of effecting a beneficial change for their country, they seized on it with avidity, and it absorbed every other feeling and sentiment. But why did Ministers call for additional force? Had they not already put down every tithe meeting? Had they not dispersed them at the point of the bayonet? Let every reasonable man examine the system which they wished to uphold, and say whether it was a just or fair one. In his parish there were 12,300 and odd inhabitants, of whom seventy-five were Protestants. Now, was it not reasonable that the 12,225 Roman Catholics should resist a system which impoverished them, to benefit so miserable a minority? He again contended that in-

crease of crime had followed, and would follow, increase of force. Yet such was the project of this liberal Government. He would say, that there never was such a persecuting Government; they had prosecuted the Press, the people, and even the priests. They had done nothing to restore the country to tranquillity. Had Ireland any real grievances, was the question which they had to decide. What cared he for their laugh, or their taunt, or their sneer? He boldly avowed, in spite of laugh, taunt, or sneer, that while Ireland had grievances to complain of he would agitate to redress them. (This was what Englishmen did to achieve Reform; and he, pursuing the same course, would agitate as long as he had the power, and found that there was a necessity for such a line of action. An unreformed Parliament had passed two Acts with respect to Ireland which an Algerine government would not have sanctioned. A Reformed Parliament, it appeared, would be called on to pass another, to put an end to agitation. But he would tell them that it would be many and many a day before they could frame and carry an Act to effect that object. Almost all the measures adopted with reference to Ireland led, more or less, to the shedding of blood—the blood of an honest, a religious, a warm-hearted, a good people. More murders were committed in that country than in any other place on the face of the earth. The people here knew little of Ireland. The White-boy, driven to wretchedness and desperation, thrown an unwilling outlaw on the common of crime—even his crimes, the offspring of adverse circumstances, could not be advanced as an argument against the general good and virtuous feeling of the Irish people. When that people had so many grounds of complaint, had they not a right to agitate? In the first place, he complained of the Magistracy of Ireland. He would suppose that by conquest or otherwise, the French became masters of this country, and established a religion different from that which accorded with the feelings of the people. The thing, he knew, was impossible, but he used the supposition in order to show more clearly the situation of Ireland. Suppose a Magistracy was established here professing a religion different from that of the people at large—armed with arbitrary power—having authority to inflict fine and imprisonment—and against the members of

which it was hopeless to seek redress—what feelings would such a state of things generate? In Ireland, since the Union, so many forms had been introduced in the law (and they formed some of the blessings which flowed from that measure), that he defied any man, however injured, to maintain an action successfully against a Magistrate. He need not weary himself and the House by showing that the Magistracy of Ireland was on a bad footing. It was admitted by the noble Lord and his colleagues. They had all spoken of the necessity of a revision of the Magistracy of Ireland. Even the right hon. Baronet, the member for Tamworth, had expressed himself in favour of a revision of the Magistracy. When application was made to Lord Manners to restore a dismissed Magistrate, he observed, “I have made you the best retribution in my power by again placing you in the Commission; but the last thing the King said to me when I became Chancellor, was, ‘My Lord Manners, look particularly to the Magistracy.’” A sort of revision took place at that time, and a comical revision it was. A number of Magistrates were struck off—all those that had died were struck off—some military officers, not in the country, were struck off—some Roman Catholics were struck off—and several improper persons were struck off. But this did not last. Lord Manners knew nothing of the Irish Magistracy, and there was a superior influence at the Castle, by which the old abuses were continued. There was no doubt—the fact could not be denied—that there were a great many improper persons in the Commission of the Peace in Ireland; the fact was recorded in the evidence of General Bourke before a Committee of that House. At the time that the present Administration came into power he and others called for a revision of the Magistracy in Ireland. The answer then given to them by the right hon. Secretary opposite was, that six months after the late King’s death, the Commissions of all the Magistrates in Ireland would have to be renewed, and that the Government would then take care that none but proper persons should be put into the Commission of the Peace in Ireland; that renewal of the Commissions of the Magistracy had since taken place, and he should like to know what improper persons had been excluded from the Commission of the Peace there? He could,

on the contrary, enumerate instances of several improper persons that had been left in it, and left in it too, from party motives, and from partisan views and objects. The right hon. Gentleman had taken especial care that to such persons the Commission of the Peace should be continued, while many most respectable, most worthy, and well-qualified individuals, were excluded from it in various parts of Ireland. Such was the mode in which the right hon. Gentleman governed that unfortunate country. The right hon. Gentleman, during his short career in Ireland, had achieved that which had never been accomplished before—he had contrived to make the whole people of Ireland unanimous, for all persons there concurred in considering him most unfit for the government of that country. When Ireland, in former times, revolted against oppression, Harry 8th swore lustily, that if Ireland would not be governed by the Earl of Kildare, the Earl of Kildare should ruin Ireland. Was that the principle now to be enforced? Was that the line of policy that was now to be pursued? Such, at all events, would be the effect of the Address that night submitted for their adoption. The power of the Magistracy in Ireland, as regarded the lower classes there, was omnipotent, especially since the introduction of the Petty Sessions; and they exercised that power with most complete impunity. In order to attach responsibility to the exercise of power, you must isolate that power; but the Magistrates at the Petty Sessions in Ireland, by acting together and in a bulk, rendered the exercise of their power entirely irresponsible. The publicity of their proceedings at Petty Sessions was salutary, but their combination rendered it impossible for the poor man to obtain redress for the injustice which he might suffer at their hands, and, with the aid of the Trespass Act, it was in their power to inflict grievous injustice upon the lower orders in Ireland. They heard a great deal of the crimes that were committed in Ireland, but such crimes were, in most instances, to be traced to the injustice effected upon the poor there, through the means of such Acts of Parliament as that he had just referred to—they were the wild justice of revenge to which the poor were driven when all other modes of obtaining redress failed them. By means of the Trespass Act the Magistrates were

enabled to determine every right of the poor man—every right of his connected with his land and his property. By means of that Act the Magistrates at Sessions could even try questions of title. He had known an instance of a man who had a good equitable case—and in a civil bill ejectment case an equitable was as good as a legal defence—and yet the Magistrates fined him 5*l.* as a trespasser. Though the Statute said, that they should not try rights, yet the effect of their decisions in such cases was actually to try them. He might be told that the poor man, in the instance he had mentioned, had his remedy; that he could get rid of the decision in question by bringing an action; but the expense of such a proceeding rendered that remedy totally unattainable to him. The very cost of a *latitat* was probably more money than a poor man ever had in his possession at one and the same time in the whole course of his life. In the way he had just stated, the determination of all the rights of the peasantry of Ireland was put into the power of the Magistracy of that country. He did not mean to say, that all the Magistrates in Ireland were open to the accusations which he had thought it his duty to prefer against them as a body; he would not even accuse the majority of them of the malpractices of which he had spoken; but this he would say, that a large class of the Magistrates of Ireland, and the most influential amongst them too, were swayed by party zeal (the zeal of a party opposed to the mass of the people) and influenced by factious motives in the discharge of their duties. Since the commencement of Lord Anglesey's Administration in Ireland there had been thirty-four stipendiary Magistrates acting in that country; of these thirty-four, Lord Anglesey had nominated twenty-six, and in such a country as Ireland, the large majority of its inhabitants Catholic, especial care was taken that not a single Catholic should be amongst those twenty-six stipendiary Magistrates. There were thirty-two Sub-inspectors of Police in Ireland; he did not know how many of them had been appointed by the present Administration; but this he did know, that there was not a single Catholic amongst them. There were five Inspectors-general of Police, and there was not a Catholic amongst them. He would ask them, with such facts before them, could they be surprised at the present situation

of Ireland? With such real grievances affecting the people of that country, where was the necessity of attributing its disturbed and discontented state to the efforts of agitators? Before the Parliament was reformed—before the corrupt and boroughmongering House of Commons had been got rid of—many rational and well-disposed men in Ireland, who were equally indignant as the rest of their countrymen at the wrongs and injustice inflicted on their country, refused to join in demanding a Repeal of the Union; saying, that they ought to wait to see what the first Reformed Parliament would do for Ireland. Well, they had waited to see what the first Reformed Parliament would do for Ireland, and what would be their feelings when the brutal and the bloody Speech which had been that day read, found its way to Ireland?

Lord John Russell rose to order. In consequence of the words which had been just used by the hon. and learned Gentleman, he (Lord John Russell) rose to request that the hon. and learned Gentleman's words should be taken down.

Mr. O'Connell said, that if he was out of order in the observations which he had been making, if he was irregular in the words which he had been employing, he would desist from using them. He was determined to give no one an opportunity of acting against him. He would take the noble Lord's hint. Strong language was of course not justifiable when such topics were under consideration. It ought to be

"——— in bondsman's key,
With bated breath, and whispering humbleness,"
that he should speak when speaking of Ireland and her wrongs. It was not a "bloody Speech"—oh, no! Did the noble Lord object to the word "brutal," too?

Lord John Russell said, that he did not object to any words which the hon. and learned Gentleman might think fit to use respecting the Address which was proposed in that House; but he did object to the words "bloody Speech" being applied to a Speech which had been so lately pronounced by his Majesty in person in the other House of Parliament.

Mr. O'Connell said, that the noble Lord's objection raised a great constitutional question, from trying which he would not shrink; it was a question that concerned one of the most important privileges of Parliament. If he were wrong, he would not persevere in the course he

was pursuing; but if he were right, he would not retract a word which he had applied to the Speech, considering it the Speech of Ministers; for, in doing so, he conceived that he only exercised the constitutional privileges of a Member of the British House of Commons. He had spoken of the Speech as the Speech of his Majesty's Ministers, for as such all King's Speeches had been hitherto, and for obvious constitutional purposes, considered. If he was now to be told, that he must speak of it as the Speech of the King, no words regarding it should escape from his mouth but those of the most profound respect for his Majesty's Crown and person; but if he was justified in considering it, as such documents had been always hitherto considered, as the Speech of his Majesty's Ministers, and for which they alone were responsible, words were not strong enough to express his abhorrence of it.

The Speaker said, that having been appealed to upon this point, he must say that the opinion expressed by the hon. and learned Gentleman was perfectly correct—namely, that in a constitutional point of view, and for constitutional purposes, the Speech of his Majesty was usually considered the Speech of his Majesty's Ministers, and, for that Speech, it was true that his Majesty's Ministers were alone responsible; but it appeared to him that that was altogether beside the question which had been now raised for their consideration. He would put it to the hon. and learned Gentleman, whether, if order and decency were to be preserved in the public debates of that House, they could possibly be preserved consistently with the employment of such language, whether applied to the Speech of the King's Ministers, or to a Speech just delivered by his Majesty himself in person?

Mr. O'Connell said, that the constitutional question having been decided as he expected, he should, in deference to the admonition of the Speaker in regard to preserving order in the debates, not proceed further in the course of observations which he had thought it is duty to make upon the Ministerial document. He should now proceed to advert to the other grievances of which Ireland had to complain. He would ask the right hon. Gentleman (Mr. Stanley), did he think that the Bench of Justice in Ireland was such as to deserve the confidence of the people of

that country? Did the right hon. Gentleman know the history of that country, even for the last twenty or thirty years, and the manner in which the judicial situations had been filled up there? Did he know that during that period the enemies of liberty and the enemies of Ireland were in power, and that it was with their own political supporters and partisans that they filled up the judicial situations in Ireland? Was he aware that persons had been made judges in Ireland for no other reason than because they had voted for the Legislative Union, and with no other qualification to fit them for the office? Did he know that during twenty years, promotion at the Irish bar was withheld from any man that signed a petition in favour of Catholic Emancipation? But when the persons which such a system had promoted to the bench retired from it—when Lord Chief Justice Downes, Mr. Baron George, and others of that stamp left it, and when men of business and professional eminence were placed upon it, it was thought by him (Mr. O'Connell), and by others, that justice would at length be properly administered in Ireland. He was sorry to say that such anticipations had not been fulfilled. He was willing to make every allowance—he was not for going too far—but Europe and European civilization should be made aware of the fact, that there existed no confidence in the administration of justice in Ireland. Was it consistent with that unsullied purity which ought to belong to the judicial character, that Judges should have their families quartered upon the public purse, and that, as regular as the quarter came round, their applications should be made to the Treasury for payment? His Majesty's present Ministers had selected from amongst their most inveterate enemies an individual to fill a judicial situation in Ireland (that of Chief Baron of the Exchequer), and should they be surprised that that learned Judge left the bench, to go and vote against Ministers at one of the late elections? The learned individual to whom he alluded was about as old as the learned Judge (Chief Baron O'Grady) whom he succeeded on the Bench. He was undoubtedly a man of talent, but of the strongest political feelings—so strong, indeed, that they induced him to go from the Judicial Bench to vote against the friends of his Majesty's Ministers. They had also appointed Mr. Doherty Chief Justice of the Court of Common Pleas in Ireland.

It might be said, perhaps, that he (Mr. O'Connell) entertained strong personal feelings against that learned individual. He was sure that no one who knew him would say so; but this he would say of Mr. Chief Justice Doherty, that he had a great deal of common sense, and that he managed himself upon the Bench, with only one or two exceptions, much better than any of his brother Judges. But then Mr. Doherty never had fifteen briefs in any one term during his life, and yet they made him a Chief Justice. He had already glanced at the mode in which Judges, and the relations of Judges, were paid and remunerated in Ireland. The subject was one that he thought was well worthy the consideration of the first Reformed Parliament. It was very well to talk about the independence of Judges. It was true that they were independent of fear, but were they independent of hope? They could not take them off the Bench, but they might still further reward them; they could not un-judge them, but they might enrich them and their families. Under such circumstances, that House would not be doing justice to the country, unless it passed a law (he would not say that such a law was wanted in England, as he did not know the state of things here; but he would assert that it was absolutely essential in Ireland to restore a confidence in the administration of justice, there) enacting that there should be no such mode as that which existed for paying Judges. They should not see the Government giving briefs to Judge's sons who had no other clients—they should not see the Government employing a Judge's sons and relations when no other persons thought them worth employing in the most trivial causes—they should not see judicial independence thus bartered for at the public expense. There was another branch of the administration of justice in Ireland that he thought the people of Ireland had much to complain of—he meant the jury system in that country. Did they think that the people of Ireland should be content with the jury system that existed there? The noble Lord (Lord Althorp) had promised him in the last Session, that the Government would support the Jury Bill in the House of Lords; but the Government broke their word on that occasion—the promise was not kept. And what was that Bill to give to Ireland? It merely went to extend to Ireland that which had been law in England for the

last seven years. They talked of the Union, and of the benefit that it was of to Ireland, but why, he would ask, did they refuse it the benefit of the Union in that instance. Why did they not make the same law in Ireland that they made law in England? Was he to be told that such a law was not necessary in Ireland—that it was not required there—that the administration of justice in that country was so absolutely pure—that party passions and political feelings interfered so little to corrupt its source or impede its progress, that such a fair mode of selecting a Special Jury as that of the ballot, which had now been in existence for seven years in England, had not been demanded, on account of the excellent mode of selecting Jurors at present practised in Ireland? But the law of last year, which was indeed a poor boon, for it was not to come into operation for another year, was rejected. Poor, however, as it was, and though the remedy which it would afford was at best but a prospective one, it would, had it been passed, been productive of beneficial effects for bad jurors would have ceased their malpractices, seeing that the time would be near at hand when they would be responsible to the public for their conduct. But, spite of the promise of the noble Lord, that law was thrown out in the House of Lords. He had another objection to urge against the jury system in Ireland, as it affected the administration of justice in that country—he alluded to the power which the Crown had of regulating the selection of juries there. He had been himself a living witness of the abuse. He knew of a case where, out of a panel of upwards of 800 names, not above twenty could be taken to find the simple fact that, in the instance of a man who had been ridden down by twenty lancers, and who then was taken prisoner and committed to prison because he had been so ridden down—twenty could not be found, he repeated, to find that in such a case a common assault had been committed. The hon. and learned Gentleman then complained of the great power enjoyed by the Crown in the selection of Jurors. By the ancient Statute Law the Crown could not permanently challenge a Juror; but the Judges soon arranged this. The Crown could set a Juror aside; and, in Ireland, at least, this was in practice equivalent to a permanent challenge, because it was the custom, supposing the

panel to be exhausted, not to read over the names of those set aside, but to order the Sheriff to enlarge the panel. The practice of packing Juries on this principle was carried to an amazing extent in Ireland. They all, he said, read with affright of the crimes committed by the peasantry in Ireland; but were they to be astonished at it when they knew of the mode in which justice was administered in that country? Who did they think was the foreman upon the Jury in Dublin who, the other day, there tried Messrs. Costello and Reynolds for an alleged offence in regard to the tithe system? The foreman was a gentleman who had not very long since figured before a Committee of that House—a Mr. Long, a coach maker in Dublin, a furious partisan of that faction in Ireland which hated the present Government no doubt, but hated the people still more. He would quote as instances, in corroboration of his arguments of the Crown's challenging Jurors, the practice at the late assizes at Mullingar, and at Cork. These were, he said, the complaints that he had to make on the part of Ireland. They had no confidence in the Bench there. The Juries were selected from the bitter enemies of the country, and the present Government had instituted the greatest number of prosecutions that any Government had ever instituted in that country. He might be accused of agitating Ireland, but the agitation and the discontent of Ireland were to be laid at the door of that Government which had instituted such countless prosecutions, and that had conducted them in a spirit worthy of the Star Chamber itself. Was it not enough to send the proprietor of the *Waterford Chronicle* to gaol for twelve months, together with the imposition of a pecuniary fine, without sending the printer of that paper, for the same offence, to prison; thus consigning to punishment the man who had only acted as a mechanical agent in disseminating the alleged libel, and who would have been as ready to set up, in the way of his trade, an eulogium upon the Church in Ireland, as he had been to set up an attack upon it, or upon the Irish Government? Was it just that such a man should have been sent to rot in a prison? It was the Government that had commenced the agitation with regard to the tithe system, by endeavouring to put down the public meetings on that subject. They had endeavoured to do so by

a construction of the law of conspiracy that would never have been endured in England. There was, as all good lawyers knew, nothing so doubtful as the law with regard to conspiracy. The words of one of our writers on the subject was, that there were few things so doubtful as that portion of the Common Law under which the combination of several persons together became illegal. In fact, the thing was so exceedingly doubtful that it was laid down by the late Lord Ellenborough that nothing but the evidence of something false—*falsi*, of some falsehood, would render a combination of the kind illegal. It was true that that decision had been since overturned, for, in this country, the Judges made the law, but at all events the circumstance showed that there was nothing more doubtful than the law as it related to conspiracy, seeing that the first Judges in the land differed as to what it was; and yet this was the law that the Government of Ireland strained to the most unwarrantable extent to achieve its purposes! Would it be believed that the Government of Ireland preferred under that law indictments against persons for exciting to conspiracy? Would it be credited, that the printer of the *Tipperary Free Press* had been arrested three times in the same day, and held to bail for articles “tending to excite to conspiracy?” Conspiracy was itself a constructive crime—the exciting to conspiracy, the second construction of it, under which the Government indicted, was carrying such a crime far enough, one would think; but the third construction of it, namely—tending to excite to conspiracy, was carrying it to an extent that had never been heard of before, and that assuredly would not have been borne in this country. It was, however, good law enough for Ireland, perhaps, and it was well worthy of the Whig Reforming Government of that country. Another of the evils of which Ireland had to complain, was the Grand Jury system. They were told that that system was to be revised, but it was not until it was loudly called for, that a remedy was about to be applied to that monstrous evil. They had yet to see whether the remedy to be proposed would be an efficient one. The power possessed of imposing taxes by that self-appointed body was immense—a body, the majority of which generally consisted of the agents of absentees; and it was well known in Ireland that there were good roads in the neighbourhood of Grand

Jurors’ residences, while it was generally the reverse elsewhere. The taxation imposed by that body reached the enormous amount of 940,000*l.* a-year, the sixteenth part of the entire landed revenue of Ireland, and 1*s.* 5*d.* on the entire rental of the country. It was in the hands of such men—men connected with one party in Ireland, that such enormous power was vested; it was from amongst that body that Sheriffs were generally selected; and here he had to remark that there was but one Catholic Sheriff appointed this year. The grievance of the Grand Jury system as it existed was acknowledged by the right hon. Gentleman (Mr. Stanley) himself, he having already stated that he had a remedy to propose, it was, therefore, a grievance that could not be attributed to the agitators in that country. The right hon. Gentleman, he believed, intended to bring in a bill to remedy that system, but unless that bill was founded on the principle of representation, the proposed remedy would be inefficient. He was ready to maintain that no man ought to be taxed, unless through his Representatives; and upon such grounds, he would contend that the office of Grand Juror should be made elective. No doubt they would vote this Address to-night by a large majority, and then, forsooth, they would tell the people of Ireland to look to that Reformed House of Commons for justice and protection. Corporations constituted another great grievance in Ireland. He was sure the right hon. member for Cambridge (Mr. Spring Rice) would not deny the fact—he was sure he would not deny that they possessed enormous and unjust monopolies. The Reform Bill had, no doubt, done much to remedy the abuses of corporations, but to reach the root of the evil they must go still deeper. The Corporation of Cork, for instance, one of those close corporations, possessed a revenue of upwards of 70,000*l.* a-year—a revenue greater than the cost of the general government of the United States of America. The bigotry and intolerance of those corporations were well known. Though Catholics had been for years admissible to them, few had been admitted in Cork, and none had ever been allowed to discharge the duties of any of its officers. The Corporation of Dublin, too, continued a close monopoly, from which Catholics were systematically excluded. They might taunt Catholics with intolerance and bigotry, but he would defy

them to produce any such instances of either intolerance or bigotry, in a Catholic assembly, under a Catholic constitutional government. True it was, that in Catholic States, where the Church was wedded to the State, the natural offspring were intolerance and exclusion; but under Catholic liberal governments, no such intolerance as that exhibited by the Corporation of Dublin was to be found—into which corporation, though Catholics had been admissible for forty years, not one had been admitted; bigotry thus proving itself superior to law and Parliament. It might be said, that it was wasting the public time to talk of corporations; but let it be remembered that corporations elected Sheriffs, and in Dublin, the Sheriffs had the selection of Jurors in the four Courts there, for the trial of the most important causes, civil and criminal. Now, no man was appointed Sheriff in Dublin, who did not give a pledge to the cause of bigotry, by publicly giving a toast that was considered the watchword and the party pledge of the factious supporters of that cause. He had himself drunk that toast, it was true, and he hoped that it would be universally drunk throughout Ireland. He had drunk it for Repeal, and he was ready to do so again; but the members of the Corporation of Dublin drank it as the shibboleth of a party. He drank it as a pledge for Repeal. He did not, in what he had said, mean to assert that the right hon. Gentleman was entirely answerable for the present state of things in Ireland—of course he would not make him answerable for the sins of preceding Governments—but this he would say, that all the crimes which were now being committed in that country, must, in justice, be laid at the door of the Whigs. The Whigs had always proved the bitterest enemies of Ireland. It was the Whigs that violated the Treaty of Limerick. The Whigs of the present day were only treading in the steps of the same party which had gone before them. To the Whigs, he would say, that, by the course they were now pursuing, they adopted, and rendered themselves answerable, for all the crimes which might take place in Ireland. Instead of doing justice to that unfortunate country, they were now calling for increased powers to enable them to still further sink it down and oppress it. Let them but do justice to Ireland—let them put down the cry for a Repeal of the

Union, by showing that it was unnecessary—let them show by deeds, and not by words, that they meant well to that wretched country. Why did they not do that? Why did they not propose such measures, instead of calling on the first Reformed Parliament for more bayonets and more guns, for the cannon and the musket, in order to crush the people of Ireland to the earth? The next thing he had to complain of was the armed police of Ireland. It might be right that the police there, as in this country, should, for self-defence, possess some species of arms, but was it right that they should go armed with deadly weapons, even to fairs and markets? Were they to go about with arms in their hands, with which, when the least resistance was offered to them, they could spread deadly slaughter around them. Such a police force, so armed, would not be endured in this country. He protested against the principle of arming them with deadly weapons. The Government made them do so; but the result would be, that the slightest resistance—even an accidental opposition, would be punished with death, for the only weapons they had were deadly ones. Why did they not in England, instead of a staff, put into the constable's hands a musket and a bayonet? Why not arm him with a loaded carbine, so that, in case of any resistance, or even accident, which might occur in a crowd, he might inflict death not only upon those who opposed him, but also upon those who happened to come within his reach? But he was talking to little purpose. He knew how little the Government cared for the blood of the Irish. He knew with what sovereign contempt they listened to those who taunted them on the subject. But he put it to every man of feeling and humanity, whether the constabulary ought to continue armed, so that every offence, instead of imprisonment or capture, should be punished on the spot with death? When the Government put the police thus armed in the way of resistance, they promoted crime. Another thing was, arming the yeomanry. He did not believe, that any thing had ever occurred more dangerous than arming the yeomanry. There had been an increase of crime in Ireland since that had taken place; but crime was not yet at its acme. The people still had confidence—they still placed reliance upon those calumniated agitators, who were more

anxious than the Government to put down crime. The Government had armed the yeomanry in Ireland, and had increased them from 22,000 to 31,000. He knew what had once happened, and he cautioned the Government that the people of the North of Ireland were to a man armed. The North was the quietest part of Ireland, yet it was but a sleeping volcano. There was a tremendous force there, ready to enter into a servile war. The moment that the Government distributed arms, the Catholic population thought it necessary to arm themselves for their own protection. The slaughter of the Catholics by the Orangemen had ceased two years ago; but he knew, and said, that it would increase on arming the yeomanry. What was the consequence? The people established penny clubs, and, as soon as five-and-twenty shillings were collected, a musket was purchased. This process of arming was going on to a frightful extent, and a Magistrate (he was ready to give his name if necessary,) had told him, that he had, within the last six weeks, seen 1,000 of the Catholic peasantry perfectly well armed. What could all the powers of the Government do to prevent this species of arming? What Act of Parliament could they pass that would discover the secret of an Irish peasant? Nothing was so much hated in Ireland as an informer, and no money would induce the people to become such. But the Government would take more power. They would prevent the agitators, who sincerely desired to put down crime. He did not ask them to believe him; they might believe him if they pleased, but he scorned to ask them; they might gag those agitators with Algerine Acts; they might immure them in prisons by a suspension of the *Habeas Corpus* Act—they might shed their blood upon the scaffold, but, under that very scaffold, they would see the peasantry of Ireland display those very arms which the Government had been the means of putting into their hands. He warned the Government by the instance which he gave them of the North of Ireland. They might depend upon it, that the spirit which prevailed there, would pass elsewhere, and the combination of ignorance and crime would be better organized. There would be, not a moral revolution or a political revolution, but a revolution of the sword in Ireland. In the mean time, the Government was suppressing the legal channels of discussion. The

tithe meetings were suppressed, and yet were any of those meetings half or one-third so numerous as the meetings of the Birmingham Political Union? With one exception, he had never heard a word which could be construed as threatening language. But, at all events, whatever interpretation might be put upon words, he defied any man to show a single instance of a breach of the peace, a single assault, or a single person threatened. He defied any man to show him an example of any thing of the kind; and yet the Government suppressed all those meetings. He would ask the hon. Gentleman who had seconded this Address, with a degree of modesty which he had always observed to accompany talent, what he thought of suppressing meetings which assembled, too numerous perhaps, for he was not an advocate for too large assemblages of the people—but at which no breach of the peace occurred, and which separated quietly, as soon as they had accomplished the object for which they had met? More power the hon. Gentleman wanted, but if the hon. Gentleman knew as much of Ireland as he did, the hon. Gentleman would be a greater agitator than he was. Although he knew it was in many cases absurd to say, *post hoc, propter hoc*; yet it was an undoubted fact, that whenever agitation ceased in Ireland, crime had extended itself—and that whenever agitation was extended, crime had ceased. Some great and crying grievances in Ireland remained to be enumerated. Was the Vestry Cess no grievance? Was it no grievance that seventy-five Protestants in a parish should have the power of punishing, by taxation, 12,000 Catholics? Was it no grievance that the Catholic inhabitants of a parish ten miles from Waterford, in which Lord Duncannon was the only Protestant resident, should be thus treated? Was it no grievance that the vestry might impose upon the Catholic parishioners whatever tax it pleased, for the Communion wine and other purposes? He would mention a flagrant instance of this imposition. In the parish of St. Andrew, in Dublin, the Protestant inhabitants voted 300*l.* to the two curates in addition to their salary. This was in direct contradiction to the law, and as no person could appeal against the assessment without giving securities to the amount of 100*l.*, two gentlemen gave the necessary securities, and brought forward an appeal, which was

tried in the King's Bench, and the assessment was quashed; of course it would be supposed there was an end of the matter. No such thing. The costs of resisting the appeal were charged upon the parish, and the 300*l.* were re-voted again. As the party who appealed was obliged to pay his own costs, and as the costs of resisting the appeal were charged upon the parish, the parish very wisely thought it best to submit quietly to the imposition, and not to contest the matter further. Was that no grievance? Was there any other country in the world where there would be no redress for it? Before the Government asked for more force let them remedy that evil. Why should the Catholics pay for the sacramental elements and other articles for the worship of the Protestants? Why should they pay for the building and repair of Protestant churches? There was a parish called Cappado, in the neighbourhood of Dublin, where there was but one Protestant; and a Church was forced upon him in spite of himself, at the expense of the Catholics, although the Protestant presented two petitions to that House, stating that his Catholic neighbours and himself were on excellent terms, and that he had a pew at Maynooth Church, which was near enough, and there was no necessity for a new church. Such were the acts which his Majesty's Government required additional powers to enforce. Let them first do justice. Why should the Catholics be compelled to pay Protestant clergy? Why should the Catholics be compelled to build Protestant churches? Before the ascendancy of the Protestants in Ireland, there was a superabundance of churches in that country; but the Protestants had sold them, or let them go to ruin; and now they called upon the Catholics to repair the consequences of their neglect and misconduct. Was there any agitation equal to this? Look at the temporalities of the Church, and say if anything could be more monstrous—if any effect of agitation could be so pernicious as this system? The living of the brother-in-law of Earl Grey had been estimated to bring in nearly 30,000*l.* annually; there were 96,000 acres of ground belonging to it. Was this paid by members of the Church of England? No; the Presbyterian and the Catholic—worshippers in a different form—were compelled, by this most monstrous system,

to pay this divine. They were 8,000,000 Catholics, and there were 1,000,000 of Protestants; at least it was said so. Well, there might be 1,000,000, but he did not believe it. Was it to be borne that they were thus to be treated? What he wanted to know was this—was the Church to be cut down? They were agitators, it was said, but their agitation was of a clear character—it was of a different sort to that which was the real source of the distress and the insubordination, and the what-not. He did not know that it was distinguished by two epaulettes, or by troops to cut down the people. Force was the cry. This had ever been the Government conduct. For forty years, let it be remembered, force had been unceasingly talked of to Scotland; but Scotch broadswords were unsheathed—Scotchmen knew their rights—they rallied—they united—they struggled—and they succeeded. He did not ask for supremacy; he wanted no supremacy then, and if talked of hereafter, he would resist it; but he did strongly contend against the present unfair and harassing system, and insisted on its abolition. The Irish wanted that tithes should be extinguished, as the Government had said they should be. He knew they afterwards added that they did not mean it, but he wanted them to do what they said. He wished to know whether tithes were to continue, or whether any mitigation was to take place? Was it to be a 74, or a *rasé*? Were the Catholics to continue to pay the Bishops and Clergy whom they never saw? There was no weapon for agitation like this grievance. The Government treated the Catholics worse than the Turks treated the Greeks. The Turks even, cruel and harsh as they were, despised such oppression towards the Greeks; they never insisted on their support of the Mahometan faith. The Ministers, however, of England were worse than the Turks. He meant to detain the House a little longer on the subject of absenteeism. When speaking of crime, he wished they would look to absenteeism—to the rents that were constantly going out of the country. Would they litigate that? He would tell them they could not. Did Ministers wish to push them on to a servile war; would they compel them, with the devotion of a Falkland, to join criminals because greater criminals were arrayed against them? They called out "force,"

Why not begin? Why not postpone the threat, and do justice to Ireland; and then, if agitation continued, if insubordination showed itself in midnight plunder and outrage, call out for "force." Wait for this—try it, and then, if it failed, take the excuse, and he would support the cry. He wanted nothing but justice for Ireland, and justice this country had never rendered to her. The Speech which had been delivered was a prototype of one in the reign of Elizabeth, when Raleigh slaughtered the garrison of Merbeck. The cry for power had ever been the cry of the Government of this country, and under it were committed those English crimes which were written in the blood of Ireland. Strafford, the prototype of the right hon. Gentleman, acted no otherwise; he confiscated the property of two entire provinces in Ireland, and when Juries refused to convict, he sent them for two years into Dublin Castle. In the reign of James 2nd, 8,000,000 acres of land were forfeited in defending the right of his father. In the present day the same part was acted—the scene was somewhat changed—the actors were different—but their conduct was substantially the same. There was no real amelioration—no change, nor any intended, as was proved in that Address which he had designated as bloody and brutal. What he wanted was, a General Committee, that that Address might be duly considered and discussed line by line. If that were really a Reformed House—if justice to Ireland was really their object, they would not refuse it. Justice had not been done to Ireland by the Reform Bill. He strongly doubted if he had acted rightly in supporting so strenuously the English Bill. He had received hints from several quarters upon the subject. But he had supported it, and that unflinchingly. Ireland, in her Bill, was not used anything like so well as England. The blunders were solely attributable to Government. The Duke of Wellington took away the franchise; the Ministers found that injustice when they came into office, and they sanctioned it. It was no idle motive which made him anxious to introduce so many of his family into that House. He too well knew the incurable ignorance which there prevailed on the real state and wants of his country, and he was determined to tell them trumpet-tongued to all. The number of Repealers returned would at least give

the Government some insight into the sentiments of the people on that subject. He wanted a Committee of that House—he desired that that declaration of war against the people of Ireland should be modified. Let the Ministers give them a strong and emphatic declaration of intended justice to Ireland—and if then they applied for force, he would support them. But the Speech promised nothing. There were still several points untouched, there were the prosecutions, to which he would not then advert, and twenty other topics on which he could say much, but he would abandon the intention. He knew he spoke in vain—he felt he made appeals which would fall unheeded on their ears. He should now know of what that Reformed House was composed—he should see the high and independent Members for England voting for "more power." It was of no use his pleading before a Reformed Parliament in behalf of Ireland—it was vain to lift up his voice in her cause—for he was sure his answer would be a laugh at himself, and a laugh at his country. Were then the grievances of Ireland not real? It was well known they were real, heavy, and intolerable; and if so, was it not the duty of the Government to redress them? He would defy any one who had heard his words—who had taken notice of his statements—to instance one case in which he had aggravated a grievance; and he would defy any one to find a people, look where he might, who had agitated, or who had been guilty of midnight outrage, of insubordination, and reckless crime, without real grievances. He had done—he thanked the House for the patience with which they had listened to him—they were the last hope, the last refuge of his country. To them he could only look for relief from the autocracy of the right hon. Gentleman; from that "*sic volo, sic jubeo, stat pro ratione voluntas*" to which his country was subjected. Whether Government was to be administered by the right hon. Gentleman alone—whether all was to continue to be concentrated in his self-sufficiency—they must decide. Seven centuries of misrule had been endured by Ireland—Government had been carried on on no other plan than that of Tamerlane; and the most outrageous cruelties had been inflicted on a prostrate people. For himself, he laboured under one calamity—that of a supposed

personal hostility to the right hon. Gentleman opposite. Had he—could he have any such feeling towards him? They had never come together, and no such feeling was in existence. Heaven knew that he had no personal motive. There was no pursuit of his in which the right hon. Gentleman did or could, or, he presumed, would wish, to impede him. He spoke of him merely as the enemy of Ireland. He looked at the accumulation of crime—at the quantity of blood increasing as it flowed in his unhappy country, and he still found that right hon. Gentleman, the Lord of the Ascendant dictating to the Ministry the measures to be pursued. These things he wanted altered. He asked for the real grievances of Ireland to be redressed, and then he would go any lengths the Ministers might require. The learned Gentleman concluded by moving, as an Amendment, for a Committee of the whole House to consider his Majesty's Speech.

Mr. *Richards* said, after the splendid exhibition of eloquence by the hon. and learned member for Dublin, he felt a considerable reluctance to address the House, which was not a little increased by his labouring under the effects of indisposition. Still, under present circumstances, he should not feel satisfied in giving merely a silent vote. The hon. member for Dublin had complained of what was in the Speech, but he rose to complain of what was not in it; the hon. Member accused the Ministers of sins of commission, but he accused them of sins of omission. He did expect that some mention would be made of the condition of the labouring and industrious classes, of their distresses and privations; and he did expect that Parliament would be instructed to inquire into the causes of those distresses, and into the means of relieving them. He did not come there actuated by a spirit of paltry ambition, by the mere desire of the empty honour of franking a letter, so valued by some hon. Gentlemen; but to do his duty to the people; and, in discharge of that duty, he claimed an early and searching investigation into the causes which had brought on the labouring population a degree of distress unparalleled in the annals of the country. On their behalf he challenged that inquiry which could not be slightly passed over. In the Speech from the Throne, the people of England were complimented

for their quiet and peaceable demeanour. Was it, therefore, supposed, that they were satisfied and content? Let not the Ministers of the Crown lay this flattering unction to their souls. The people of England were suffering great distress; and they looked forward to the deliberations of the House with the deepest anxiety, and in the hope and expectation that measures would speedily be proposed and adopted to relieve them. The peaceable and virtuous manner in which they conducted themselves, and the admirable patience they exhibited, instead of causing them to be passed over almost without notice, gave them additional claims on attention and regard; and he called on the House to enter into that investigation of their state and situation, which, it appeared to him, it was necessary to make. He did not intend to impute to Ministers any intentional disregard of the feelings and interests of the people. But, in the high situations they filled, it was not perhaps so easy for them to become intimately acquainted with the condition of the people, as it was for the humble individual who was addressing the House. Nor was it improbable that men in power would not believe that distress existed, till those who suffered it broke out into acts of insubordination and violence. He thought fit to make these observations, although he did not intend to vote against the Address. He came into the House with the intention, as far as he conscientiously could, of giving his support to the Ministers. Far from him be anything like factious opposition to them [*laughter*]. He appealed to the House [*continued laughter*]. The hon. Member who spoke at first from the Bar, had advanced to the table, in order to make himself heard, and continued—"I really don't understand" [*renewed laughter*].

The *Speaker*, suggested to the hon. Gentleman, that if he were to speak from his place, consistently with the usual orders of the House, he would be less likely to be interrupted.

Mr. *Richards* was exceedingly indebted to the Speaker for explaining the cause of the laughter. He had frequently heard of his kindness, and he now found that what had been told him of his courtesy and urbanity was founded simply in truth. Of the causes of the distress on which he was commenting he should not then enter, but should take the liberty of saying a

few words on what had fallen from the hon. member for Dublin. The noble Lord who moved the Address censured agitation and attributed, he believed, more power to the agitators than they really possessed. It should be recollected, that agitation was not the cause of grievances in Ireland, but the effect of those grievances. But his Majesty's present Ministers were not chargeable with them. They could all recollect numberless acts of insubordination and outrage before the present Ministers entered upon their functions, and, therefore, to taunt them on that head was neither fair, just, nor right. He knew from experience that the Irish were as gallant, generous, hospitable, and intellectual as Englishmen; they were more open and frank; but it was not fair to ground the evils under which they laboured on any supposed injustice of this country. The grand evil was the want of poor laws. So far as he knew, the conduct of England had been one series of acts of generosity. In proof of the prosperity of Ireland he would read a few statistical details. The hon. Member accordingly read the following statement:—

Imports into Ireland from all parts, in 1801 and 1825.

	In 1801.	In 1825.
Cotton Manufactures, } entered by the yard	44,314 yards	4,996,865 yard ^s
Cotton Yarn	375,000 lbs.	2,702,000 lbs.
Cotton Wool	1,200,000 lbs.	4,065,000 lbs.
Flax Seed	376,000 bush.	535,000 bush.
Tallow	16,000 cwts.	131,000 cwts.
Iron, unwrought ..	7,454 tons	17,902 tons
Coals	315,000 tons	738,000 tons

Exports out of Ireland to all parts.

	In 1801.	In 1825.
Cotton Manufactures, } entered by the yard	1,256 yards	10,567,000 yards
Linen Manufactures ..	37,911,000 yards	55,114,000 yards
Flax, undressed ..	1,639 cwts.	54,898 cwts.
Irish Spirits ..	178,000 galls.	629,900 galls.

Aggregate Official Value of Imports from all parts.

n 1801 ..	£.4,621,000	In 1825 ..	£.8,696,000
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Aggregate Official Value of Exports from all parts.

In 1801 ..	£.4,064,000	In 1825 ..	£.9,243,000
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Entered for Home Consumption in Ireland.

	In 1792.	In 1827.
Tea	1,844,000 lbs.	3,888,000 lbs.
Coffee	40,000 lbs.	585,000 lbs.
Sugar	161,000 cwts.	319,000 cwts.

N. B. The duty on Black Tea was only 4^d. per lb., and on Green, only 6^d. in the first period; whilst in the last it was cent per cent.

The hon. and learned Gentleman opposite had said a great deal about the ill-usage of Ireland by the people of this country

["No" from Mr. O'Connell]—well, then, by the Government; and this complaint of ill-usage was added to a complaint of neglect. He, for one, was ready to take his portion of any obloquy that might be cast on the Government for their conduct during the last two years. He denied that Ireland had experienced either ill-usage or neglect from the Government during that period. On the contrary, Ireland had received from them every attention. Her interests had been promoted, and every means had been taken to alleviate the sufferings of her people. Large sums of money had been voted by the Parliament to the different public charities of the country. He would state the sums paid annually by Government to the charities in Dublin.

	£.
Protestant Schools	38,000
Foundling Hospital	32,500
House of Industry	36,640
Lunatic Asylum	7,084
Fever Board	12,000
Dublin Police	26,600
Lock Hospital	8,000
Dublin Society	9,230
Education Society	5,538
	175,292

From the statement he had read of the consumption of exciseable articles, and particularly those of tea, coffee, and sugar, all of which were rather luxuries than absolute necessities of life, it was plain, in his opinion, that there was an increasing degree of comfort among the people; while from the last statement, it appeared that a great attention was paid to their wants. He must say, that it appeared to him too much, after all these facts, for the hon. and learned Gentleman to ascribe all the evils of Ireland to the Union: and he believed that when the hon. and learned Gentleman did so, he fell into the vulgar error, asserting *propter hoc, quod hoc*. He must repeat his opinion, that the miseries of Ireland were not attributable to mistakes in criminal jurisdiction, or to the promotion of improper persons to the seats of justice, or to any of the numerous and multifarious complaints which the hon. and learned Member was accustomed to detail to that House. It appeared to him, he must repeat, that the evils of Ireland were mainly, if not entirely owing to the want of Poor laws—to the want of a demand for labour—that it was to these causes that the crimes and outrages in that country were attributable, and not to any of those things to the account of which the hon. and

learned Member had eloquently put them. The House would, perhaps, indulge him while he related an anecdote on this subject. "In travelling," said the hon. Member, "recently from Liverpool to London, I met in the coach an Irish Protestant clergyman. He told me that he was coming to take a house in the vicinity of this great metropolis. I asked him why he did not remain in Ireland, and discharge the duties of his situation there? He said, that neither he nor his family could remain there in safety. I asked him why, and then he told me that he was an Irish Protestant clergyman in the county of Roscommon, that he held a living within seven miles of the town of Roscommon, and that it was a living of 400*l.* a-year; and he added, 'but I do not get a shilling.' I asked him if that was the cause of his leaving Ireland? He said it was not, for that he had a small independent fortune; but he left it because he had been shot at twice. I asked him if he had strictly enforced the payment of his tithes, or done anything likely to render himself unpopular? He said he had not; but that, on the contrary, he had endeavoured to do all he could to render himself popular—that he had established a dispensary, and had frequently employed more than half his income in relieving his poor parishioners. I said, that all this appeared to me perfectly unaccountable, and I asked him whether he knew of any cause of personal pique existing against him? He said that there was none that he knew of; 'but,' said he, 'I was riding with another clergyman, and we were both shot at.' He then told me that only last spring twenty of his parishioners had called on him, and said that he had some nice potato land; he said he had, and wanted to know if they wished to rent it; they said that the potato land they meant was the piece of land in front of his house. 'Aye, but,' said he, 'that is my park for my cows.' 'Yes said they,' 'but we want that for potato land;' to which he answered, 'but you cannot have that, for I want it for my cows;' but, they replied, 'that is the land we want, and must have it;' and the next morning, at a very early hour, he found that more than 100 men had assembled upon it, and before night every bit of it was turned up, and converted into land fit to receive potatoes. He applied to a neighbouring Magistrate, who said he could send a body of police,

but asked, at the same time, of what use that would be? Besides this, he told me that three months ago his wife had received letters, stating that he certainly would be shot, in consequence of which she was taken with premature labour, and suffered most severely. I asked him to what he attributed all this, and he answered, to the popish Priests. I replied, that I had often been in Ireland, and that a more virtuous body of men than the Popish priests I did not think could be found, and that I was convinced they would never have recommended such outrages on his property, or such threatenings of his life. At the same time, I said, that I should be glad if he would allow me to ask him what was the rate of labour in his neighbourhood? He answered, that it was 6*d.* a-day. 'Sixpence a-day,' said I, 'and can you expect to be free from outrage if such is the rate of labour?' 'Oh, but,' said he, 'they think themselves in Heaven if they get 3*s.* per week, and look upon themselves as far from unfortunate if they get two days labour.' I said, that after what he had told me, I was surprised that he could possibly attribute the acts of outrage he had mentioned to the Popish priests, and not see that they arose, in fact, from the want of a demand for labour, and from the wretched condition of the labouring poor. After all this, I say, that the hon. and learned Member's opinions, eloquently as I admit them to have been expressed, and though I am willing to give him every credit for honest intentions in entertaining them, are erroneous, and I am convinced that he is mistaken in what he conceives to be the causes of insubordination, and in attributing to any list of grievances he has enumerated, and which he charges on his Majesty's Ministers, the evils that have prevailed in Ireland for years past, and the state of degradation in which that country is at present. I believe, on the contrary, that these evils are to be attributed to the causes I have mentioned, and that those causes themselves have been owing to the mistaken generosity of the Parliament of England in not giving Poor-laws to Ireland, and making the country gentlemen of Ireland bear a part of that burthen which presses most unjustly and injuriously on the landowners and people of England." The hon. Member went on to say, that he would not, however, argue this question, ill-treated as

England had been, after the generosity it had shown to Ireland upon that point alone, though he was convinced that there was no instance in which our generosity had been more misplaced than in suffering Ireland to be free from the payment of those Poor-rates which the English landowners and landholders had so long been called on to pay. If we wished for the tranquillity of Ireland, we must remove the cause of the disturbances; and if we wished the agitation to cease, we must apply proper remedies. To apply those remedies, we must trace those evils to their source. That was to be found in the want of demand for labour—in the want of a due rate of wages. Capital would flow into Ireland, and the wages of labour would rise, if Poor-laws were established, so as to take off from the market the surplus amount of labour now thrown upon it, and thus ensure peace and tranquillity. He repeated, that by such a measure the demand for labour would be increased, better wages would be paid, the labourer would feel he was enjoying the certainty of employment, and would be contented with his condition. He was sorry to have trespassed so long on the time of the House, but he felt that he had some right to complain of one part of his Majesty's Speech. He meant no disrespect to his Majesty's Ministers; but he must say, that in that Speech they had not honestly brought forward the state of distress of the people of England, nor considered the anxiety with which the people would look to the result of the present deliberations, and the expectations they had formed that their complaints would be distinctly referred to—expectations which, he must say, the people of this country were justly entitled to have gratified.

Mr. *Stanley* said, he was convinced that the House would bear with him whilst he trespassed upon their attention for as short a time as possible. He felt that as a member of the Government it was impossible that he could remain silent after the eloquent (for such he must allow it to be), and forcible invective (for he could not call it argument) of the hon. and learned member for Dublin. It certainly did not surprise him that the hon. Member who had just sat down should have entered into some calculations for the purpose of answering a speech which he might naturally have supposed would have been made by the hon. and learned member for Dublin, rather than

that which had actually fallen from him. The hon. Member of course had a right to expect that on an occasion like the present, when the Legislative Union or the separation of the two countries was placed at issue by the King's Speech, the hon. and learned member for Dublin, who had represented the Repeal as the one and only mode of redressing the grievances of Ireland—who had promised the people of Ireland that before June twelve months there should be a Parliament sitting in Dublin—who had pledged himself that that alone could relieve them from the yoke of the sassenach. [Mr. *O'Connell* : No.] No! Surely the hon. and learned Gentleman would not deny that every word, every syllable, which he had spoken—every inflammatory harangue by which he had stirred up the passions of a too easily excited people, whilst he fallaciously allowed the words conciliation and peace to drop from his lips, had tended to create in the people of Ireland this feeling—that as long as they were subjected to the foreign yoke, there was no hope of remedy for their grievances, no alleviation of what he was pleased to call their grievances—no amelioration of what he designated their degraded state; and that in repeal alone, and in the throwing off of the bonds of the Saxons, any improvement of the condition of Ireland could be hoped for. The Government now came to the hon. and learned Member, and told him before the assembled people of Great Britain and Ireland, that his panacea was one which, with all the power of Government, and with, he believed, the cordial assent of the people (without which the Government could do nothing), should be resisted to the death. They told him, that considering his proposition would be the death-blow of the empire, they who wished for its strength abroad, for its united councils, and united enterprise, whenever it might be called upon for exertion—they would be traitors to the kingdom and to the duty which they were called upon to exercise, if, with all the means in their power, with all the resources which this empire placed at their disposal, they did not oppose the separation. They called upon the hon. Member to meet them; they affirmed their proposition, and they challenged the hon. and learned Member to negative it. Instead of doing so, however, the hon. and learned Member had risen and made a speech,

which, he must be permitted to say, was addressed less to those within than to those without the walls of that House, containing the usual declamation relative to the indifference with which the affairs of Ireland were treated by the House, which never received a more convincing refutation than by the patience with which the House had listened to the whole of the hon. and learned Member's observations. The hon. and learned Member had accused the Government of injustice towards Ireland, charged them with indifference to the sufferings of the people of that country, stated a long catalogue of grievances, some of which Ministers had already announced their intention of remedying; but with the question of the dissolution of the Union, with respect to which an opportunity offered of obtaining the test of public opinion, by means of the Representatives of England, ay, and of the Representatives of Ireland, with that question he had not ventured to grapple in the Legislature of the United Kingdom, although he had told the people of Ireland that they should have a Parliament in College-green by next June. He would now endeavour to follow the hon. Member through a portion of his charges, one of which came from him with no good grace as an Irishman, as a Catholic, or as an individual—namely, the charge that the present Government had neglected the Catholics of Ireland. The hon. and learned Member himself admitted the awful and afflicting position of Ireland as described in the Speech from the Throne, where it spoke of the frightful increase of crime, and the insecurity of life and property. It would almost surpass belief if he were to read the record of the crimes committed in Ireland. He could not, however, omit referring to two counties in which the system of agitation first commenced, and in which that system had not, as the hon. and learned Member asserted, been put down by any extraordinary exertion of power. He would enumerate a few of the principal crimes which had been committed in Kilkenny and Queen's County during the last twelve months. In Kilkenny alone, during that period there had been, thirty-two murders and attempts at murder; thirty-four burnings of houses; 519 burglaries; thirty-six houghings of cattle; and 178 serious assaults; and by those he meant assaults of such a nature

as to be attended with danger of the loss of life. In Queen's County, during the same period, the number of murders was still greater—namely, sixty; of burglaries and nightly attacks on houses, 626; of malicious injuries to property, 115; and of serious assaults on individuals, 209. He would not add to this catalogue of crime, because he believed that he had already stated sufficient to bear out the passage in the King's Speech, which was assented to by the hon. and learned Member, relative to the frightful increase of crime in Ireland. He would merely add that the list which he had read, formidable as it was, contained only the crimes of which notice had been given to the police, and which, in fact, constituted only a small portion of the offences really committed. For the perpetrators of the crimes which he had enumerated, rewards had been offered to the amount of 120,00*l.*, of which rewards two only had as yet been paid. So complete was the system or organization established by the midnight murderers and disturbers of the public peace that their victims dared not complain. They knew the individuals who attacked their thatched cabins, and submitted to the despotic commands which they imposed upon them, because they knew that they carried the means of death, in the hands of those whom he could only denominate actual insurgents. Was this a state in which it could be said that the law afforded adequate protection to the people? He had almost feared that he should have been taunted on the other hand by those who charged the Government last year with being too supine. If it were a fault not to have applied to Parliament for extraordinary powers at an earlier period, he must plead guilty to it. He had been willing to try the unaided power of the law; the experiment had been tried, and it had been proved to demonstration that the law was inadequate. Knowing the jealousies and discord which would naturally be engendered by going beyond the law, he wished, if possible, to avoid the necessity of being driven to the last extremity—that of calling for extraordinary powers; but, placed as the Government was, he could not now do otherwise. The hon. and learned Member had himself described the population as prepared to enter into a servile war. That was the description which, the hon. Member had given, and

he affirmed it by his cheer at that moment, and yet he told Ministers not to come down to Parliament and ask for powers to repress such a state of things, until, forsooth, they had provided remedies to his satisfaction for every one of the grievances of which he complained. Those grievances were too deeply seated to be remedied by a single act of any Parliament, however well drawn. If, however, Parliament were to be called upon to remedy grievances under the terror of a servile war—under the threat of injury to life and property—under the menace of anarchy, which, perhaps, was only qualified by the despotism of some self-styled liberators—if those were the circumstances under which the Parliament was called upon to act, it was not required to deliberate, but to crouch before the danger which was threatened. The hon. and learned Member said, that Ministers ought to have postponed the application for extraordinary powers until they had proposed a redress of grievances. Were those grievances the result of the Union only? Were they the work of yesterday, and inflicted by the English Parliament? Those evils were many of them inflicted by the Irish Parliament, except so far as the domestic Parliament was corrupted by English money, and compelled to yield a servile obedience to the commands of England, under the fancied name of an independent Legislature. Let it be the duty of a United Legislature, in which no angry or party feelings, which the hon. and learned Member knew so well how to conceal under philosophical pretences, could enter, to remedy, as far as they were able, the grievances complained of, but let them do it with power in their hands. The hon. Member who last addressed the House related an anecdote, which, from his manner, probably excited some mirth. If, however, that story were attentively considered, it would give rise to far different feelings—it would create a feeling of compassion and at the same time produce a conviction, that the power of England must be put forth for the protection of her subjects. Good God! here was a Protestant clergyman, an amiable and loyal man, deprived for years of his income, having his life placed in danger under circumstances of peculiar aggravation, and having his property forcibly appropriated by others. Yet this Gentleman,

so far from attempting to go beyond the law had not exacted what was due to him, and, besides that, he had expended half his private fortune in relieving the distresses of his parishioners. The House would observe that, in this case, there was not the exaction of tithes to complain of—and he admitted the evils of that system as fully as any man could—but no conceivable case of evil could justify such a proscription from the pale of the law as was enforced against a meritorious body of men, whose only crime was, that they wished to be suffered to live at peace. No small portion of Protestant clergymen, who had been brought up, he might say, in habits of luxury, and received the education of gentlemen, and imagined that they were sure of a provision for life, on which some of them had insured their lives, were compelled to beg their daily bread from the hands of those who were disposed to assist them. If it were a crime to endeavour to protect these persons, he pleaded guilty to it, and was ready to meet the hon. and learned Member on that point. The wretched condition of the Irish peasantry, the difficulty of obtaining employment, and of procuring a scanty plot of ground from which their year's subsistence was to be got, had induced many of them to join the midnight peace-breakers. It, however, was not the less necessary to repress their illegal acts. If it were true, as the hon. and learned Member stated, that these acts of outrage were committed by the lowest class of the people, it was also true that they were committed upon the same class, who were most deserving of protection. It was not the wealthy, but the cottar and the widow, the poorest and most defenceless portion of the community, who were the objects of outrages which would disgrace a country in a state of half-civilization. It was for their protection that Government asked for powers for the defence of life and property which he was certain Parliament would not refuse. The hon. and learned Gentleman had another panacea. He said, that all would be well if Ireland had agitation. It might have been thought that, by this time, he would have had agitation to his heart's content. Could the hon. and learned Member put his hand on his breast and say, that he had not given his ignorant countrymen advice which led them to transgress the law, whilst he

cautiously told them to avoid going beyond it? Would Parliament suffer these poor people to be led into acts of outrage, which fell on those who were deceived, not on the deceivers? He would also ask if the law was to be braved, and the Government bearded, merely because the ignorant people were cautioned to seek their end by "legal means" only—not, forsooth, to violate the law by refusing to pay the tithes which the law imposed, but merely to offer the payment a passive resistance?—whether the public peace was to be endangered and disturbed by meetings of thousands, ay, tens of thousands, of an infuriated, and agitated, and grossly deluded populace—meetings who were encouraged to attend sales, not, to be sure, to take any part themselves as purchasers, but to observe and mark who durst become purchasers? Were such things to be in a civilized land—in an integral part of an empire in which the law was not a mere dead letter? And he would ask, could such proceedings have any other effect than the goading on some deluded victims till they expiated their own crimes, and the still greater, though unpunishable crimes of others, by their blood? [Mr. O'Connell said, that he never encouraged his countrymen to commit a single act of a character like those just specified by the right hon. Secretary.] The learned Gentleman had more than once, not only in his speeches, but in his deliberately concocted letters, and addresses to the people of Ireland, told them how the law might be evaded without incurring its censures. But though the law might, perhaps, be thus evaded, and though the acuteness and subtilty of the learned Gentleman, in pointing out the mode, had been the frequent theme of his own eulogy and of his followers, yet it so happened that the learned Gentleman was proved to be not infallible. For instance, the learned Gentleman, in a letter which he could not deny, having his own hand and seal annexed to it, pledged his professional reputation that a letter or speech inciting to a breach of the public peace or resistance of the law, could not be indicted under an act which, on its progress through that House about two years ago, had obtained the commendation of the learned Gentleman himself as a mitigation of the Whiteboy Act. Well, within three weeks from the date of the letter thus put forth (no doubt

with the purest intentions by the learned Gentleman) a case occurred which the law officers thought it right to prosecute under this commended Act. The person prosecuted was an attorney, and he was charged under that very statute and by an indictment which the hon. and learned Member said, would not lie. How fared the learned Gentleman's prediction? Why thus—the Gentleman prosecuted obtained the advantage of the learned Gentleman's professional assistance, and what was the result? Why, simply, the learned Gentleman advised his client to come into court with this advice—"I think it would be your most judicious course to plead guilty to every count in the indictment." Did the learned Gentleman mean to deny that such was the exact advice given by him on the occasion alluded to? [Mr. O'Connell; I don't deny it.] Then, as he did not deny the fact, he would merely observe, that the case would show that even "a high professional reputation" was not irrefragable; and surely, if a high legal authority and a great agitator to boot, thus mistook the law, it was not to be wondered at that an ignorant peasant should get beyond the pale of the law and, in ignorance, be guilty of a violation of the law. And that was the only inference he would draw from the transaction. The learned Gentleman had called their attention to the power exercised by the Crown in the selection of Juries, complaining of that power as a most oppressive grievance to the subject. It was true that, in some instances in Ireland jurymen had been set aside on the part of the Crown; but was this power of setting aside Jurymen only exercised by the Crown? Would the learned Gentleman have the goodness to answer the question? What was his conduct in the case of the prosecution of Sir George Bingham—a case which he would not then discuss, not meaning to imply that the prosecution was wholly uncalled for, or that that gallant Gentleman might not have been led by excited feelings to outstep the strict line of the law? The Crown certainly exercised its power of challenge on that occasion, by excluding nine Catholics and three Protestants who presented themselves to be sworn as Jurymen; but it was solely because those identical persons were themselves engaged or involved in a case implying a violation of the very law the asserting of which on the part of Sir George Bingham, had led to the prose-

cution. But how did the learned Gentleman, as prosecuting counsel, act? Why, he set aside not less than seventeen persons, and actually had the case referred to the decision of eleven Catholics. [Mr. O'Connell: Ten.] He had heard ten, and one Protestant, who had been a Catholic. Indeed, to such an extreme did the learned Gentleman push this power of setting aside Jurymen on this trial, that Mr. Justice Moore, who tried the case and who was a man of undoubted impartiality, and as respectable a man as any on earth exclaimed, "This is an abuse of the power of setting aside Jurymen in cases of Crown prosecutions to which I have seen no parallel since I occupied a seat on the Bench." And, yet in the teeth of this fact, the learned Gentleman had the hardihood to accuse the Government with abusing the power of setting aside Jurymen in Ireland. There were others specific charges of the learned Gentleman against the Irish Government which he also felt himself bound to notice and rebut; and he persuaded himself that the House would admit that he was able successfully to answer them. The learned Gentleman's attack was not aimed at the law as it stood, but at its present administrators—the Whig Government—the Whig Government, which had done nothing for the Catholics—the Government which had been the cause of more evil and less good to Ireland than any other. Did the Whig Government deserve these inculpations? Had it effected nothing for the Catholics? He knew the learned Gentleman, with a disinterested and well-founded modesty peculiarly his own, had, in that House and elsewhere, assumed to himself the exclusive merit of carrying the Catholic Relief Bill. He would say nothing of the good taste, and good feeling, and gratitude of such an assumption, which so strangely took it for granted that the world forgot the long and arduous services of years of the ablest and honestest labourers in the cause of civil and religious liberty. For himself he could say nothing; he had only had the opportunity of voting every year for seven years in favour of the Emancipation of his Catholic fellow-countrymen, but there were those with whom he had the honour of acting, who for many a long year had laboured in the good cause, till, by their votes and speeches, they had acted upon public opinion till it assumed a force which, as indicated by a yearly increasing majority in Parliament,

at length compelled a reluctant Government to grant what every man must wish to God had been granted sooner; and were these services to be wholly forgotten, and were they, instead of thanks, to be told that they were withholding from the Catholics what they must sooner or later yield to them without thanks? The learned Gentleman charged the Government with a "systematic slighting of the Catholics" *quoad* the promoting them to places of trust and power ["No," *from Mr. O'Connell.*] The learned Gentleman most distinctly said so a few minutes since, though perhaps he attached, as on other occasions, little or no definite meaning to his words. He would answer the learned Gentleman's charge by reading the list of legal promotions which had taken place since the accession of the present Government to office; and it would show whether it had "systematically" overlooked the just claims of Catholic gentlemen to trust and power. It appeared then, that since the accession of the present Administration, two serjeants-at-law had been appointed in Ireland—one was the hon. member for Monaghan (Mr. Perrin)—a Protestant, it was true, but a man of the most decided liberal principles—a fact which in itself showed how well-founded was the collateral accusation of the learned Gentleman, that the Irish Government manifested a strong predilection in favour of Tory candidates for office; and the other was a Catholic Gentleman of great eminence in his profession. During the same period but two King's Counsel had been appointed, and both were Catholics—one Mr. Woulfe, honoured by all parties; the other, a Gentleman (Mr. O'Connell we believe), of whom he would only then permit himself to observe, that the promotion was but a just and tardy tribute to his legal and professional reputation. Two gentlemen had been appointed Assistant-barristers—one was a Catholic; eleven clerks of the Crown had been appointed, four out of the lot were Catholics; one Cursitor, a Catholic; one Master in Chancery, a Protestant, but a liberal man, and consistent supporter of the Government. Did these legal promotions indicate a systematic slighting on the part of the Irish Government of the claims of Catholic candidates for legal promotion? "But," said the learned Gentleman "there are no Catholic gentlemen High Sheriffs, only one in the whole country, though several

eminently entitled by birth, property, and character. But was this any fault of the Government?" Did not the learned Gentleman know, that in Ireland, as well as in England, the Executive had no part whatever in the selecting of gentlemen for the office of High Sheriff, and that their functions were exclusively limited to the pricking or selecting one name out of three sent up to them from each county? If, therefore, no Catholic Gentlemen's names were sent up to the Irish Government among the selections for the office of High Sheriff, surely the blame did not lie with it. But the conduct of the learned Gentleman with respect to the Catholic promotions was characterized by, if possible, more than his usual audacious inconsistency. The learned Gentleman, in that House and elsewhere, was in the habit of denouncing the "Whig Government" for overlooking the claims of the Catholics to official promotion; and yet, no sooner did a Catholic gentleman accept of office under this "accursed Whig Government" than he was branded and held up to the odium and execration of his countrymen as a "miscreant and slave who has basely sold himself to the enemies of his faith and country." The learned Gentleman was correct in stating, that there was the authority of Mr. Barrington—an unquestionable one he was free to admit—for declaring, that the law as it stood provided a punishment for all those insurrectionary offences which disfigured the social condition of Ireland. That was very true, but that was not the question. The question was, could the law be enforced? Was it not, in point of fact, a dead letter, inasmuch as they could not count on the moral courage of Juries? Was it not a notorious fact that it was almost impossible to find a Jury in Ireland who dared convict for an offence invested with popular associations? If Juries did attend and honestly discharge their duty, did they not do so under the threats of popular vengeance—their persons were marked—their houses perhaps burned—and their crops destroyed—though it was well understood they were only obeying the obligations of a solemn oath. And on the other hand, were there not unfortunately too many instances where Jurymen condescended to attend more to the applause of the populace than to their oath-bound duties as Jurymen—and who, for having voted in favour of a popular delinquent, had their crops reaped for them by the alternately intimidating and approving

multitude? Was, therefore, the existing law sufficient to meet the exigence of insurrectionary crime? Was the law sufficient when it was thus notorious that no Jury could be found to convict the midnight incendiary, or perhaps murderer—and, if even there was a Jury—no witness who dared afford the necessary evidence for the Jury to act upon, though the guilt of the culprit were as notorious as the sun at noon-day? And yet for calling upon Parliament to afford a remedy for such a terrific—he spoke in a moral sense—state of things, Ministers were taunted by the learned Gentleman with a re-enactment of the bloody scenes of Elizabeth and James; and the old one-sided stories of a bloody page of history were mischievously ripped up by the learned Gentleman, with a view to hold up a Government only anxious to do the best to preserve public peace, to public odium. America, too, was appealed to by the learned Gentleman as an instance of successful resistance to arbitrary power, the inference being, that the treatment of Ireland was equally arbitrary, and of course the resistance equally just and called for. But what was the case with America? Did the circumstances which induced her to revolt apply to Ireland? Was not the contrary the glaring fact? America complained that it was taxed, and oppressively taxed, without having a voice in the imposition of the taxes; that it was compelled to obey laws in the framing of which it had no share whatever; that it was in fact so shackled and oppressed, that it had no appeal but to force to assert its independence. It did appeal, and, justice being on its side, appealed successfully. But would any man, even the learned Gentleman himself, venture to assert that Ireland was thus taxed and shackled and oppressed, without any means of redress save an appeal to brute force? Had it no voice in the decisions in the Legislature? Had it no Representative to assert its claims to an impartial share of the public burthens? Was it now, as in 1782, not to go further back, or in those comparatively modern days, when the Crown disposed of its superfluous revenue without the consent, or being within the control, of its so called Parliament? Were the wrongs or grievances of Ireland buried in oblivion for want of efficient Representation, or from an unwillingness to attend to them on the part of the United Legislature? Was not the

contrary, he repeated, a glaring fact? Were not Irish questions as much attended to in that House as English; and were not Irish Members, in every function and sense, as efficient Members of the Imperial Legislature as the Scotch or English Members? The learned Gentleman was fond of repeating, that only the King, Lords, and Commons of Ireland had the right to impose taxes upon it. He admitted the doctrine; but it was the King, Lords, and Commons of Ireland, merged in, and co-equal, and co-existent with the King, Lords, and Commons of Scotland and England. Though these topics closely bordered upon the question of a Repeal of the Legislative Union, he would not touch upon it, as the learned Gentleman had not himself provoked a discussion. He rose only for the purpose of repelling the charge of gross impartiality and injustice towards Ireland, urged by the learned Gentleman against Ministers. The King's Speech, which they had that evening heard read, in itself refuted the charge of Ministers not intending to propose any measures of relief for the grievances of that country; and abundant opportunity would present itself for discussing in detail the several other topics touched upon by the learned Gentleman. Before he sat down, however, he thought it right to notice one assertion of the learned Gentleman with respect to the amount of tithe levied in Ireland, and which the Government proposed to perpetually commute. The learned Gentleman boldly asserted that the tithe in Ireland was one-tenth of its gross produce. Now the evidence before the tithe Committee clearly showed, that so far from a tenth of the produce, it was not even a tenth of the rent of the land—a fact the more worthy of notice, as the learned Gentleman was fond of appealing to the tithe commutation in Scotland as less burthensome to the people than that which Ministers proposed for Ireland, while, in point of fact, the tithe commuted in Scotland was one-fifth of the rent, being more than twice the amount of that for which Ministers meant permanently to commute tithe in Ireland, by which permanent and equitable commutation they confidently expected they would relieve the Irish landlords from the evils of a fluctuating and oppressive burthen which impeded agricultural improvement. He would not then enter on the question of how far the Composition Act

of last Session relieved the industry of Ireland from much of the fluctuating burthens of the tithe tax, it being plain that a permanent charge was more favourable to agricultural improvement than a fluctuating one; nor did he then feel himself called upon to specify the exact provisions contemplated in the King's Speech for those grievances which still existed in Ireland connected with the tithe system. Neither would he follow the learned Gentleman through his observations on the vestry cess, further than to remark that it was a little too hasty in the learned Gentleman to assume that Ministers did not intend to deal with that important subject, the rather when he ought to have inferred that they could not well avoid being led to its consideration by its intimate connexion with the still greater question of Church Reform. In conclusion, he begged leave to repeat that he rose solely for the purpose of repelling the learned Gentleman's gross attack upon the Irish Government, it being unnecessary and indeed impossible, for him then to follow him through the several other topics of his long address. He considered the motions of the learned Gentleman in the same light as the learned Gentleman—as a mere form or vehicle for expressing his sentiments to the House. He would merely add, that he conceived it to be hopeless to attempt to remedy grievances, unless the Majesty of the law be in the first instance asserted. No Government could apply itself efficiently to the remedying of grievances, unless it also possessed the power to make the laws respected. A Government to be loved, must first be feared; and it must make itself feared, if necessary, by those measures of coercion which gave it the means of protecting the property and lives of the King's subjects, for whose welfare the Government was responsible.

Mr. *O'Connell*, in explanation, begged leave to say, that his charge against the Irish Government of partiality and injustice was confined to two topics, neither of which the right hon. Secretary had at all touched upon. He did not make it a matter of charge that so few Catholics were High Sheriffs, he merely alluded to the matter indirectly; but he distinctly charged that Government with having, since their accession to office, appointed twenty-six stipendiary Magistrates of Police, of whom not one was a Catholic. Instead of meeting this damning fact, the

right hon. Gentleman read them a list of legal promotions, which had no connexion with the charge.

Colonel *Davies* had listened to the right hon. Secretary's speech with equal pain and indignation; and, indeed, knew not how to account for the tone which the right hon. Gentleman assumed among his colleagues. Instead of rebutting or justifying, if it could be justified, the fact urged by the learned member for Dublin—namely, that Ministers had grossly abused in Ireland the right to challenge jurymen in Crown prosecutions—the right hon. Gentleman contented himself with taunting his learned accuser with having himself been guilty of the same offence. If it was an abuse on the part of the learned Gentleman, why did not Ministers propose an abolition of the practice? If, in some two or three cases, the Government found it expedient to have recourse to it, was that a reason why all Ireland should be denied the benefit of the law, or deprived of the trial by jury? To express alarm, it seemed, at the state of Ireland, was, according to the right hon. Gentleman, unmanly, and to lack courage. A man of as high reputation for courage as the right hon. Gentleman, and in the estimation of every person in the empire, except perhaps the right hon. Gentleman himself—almost as great a man in the estimation of the public as the right hon. Secretary—the Duke of Wellington, was not ashamed nor afraid to express his alarm at the state of Ireland, and to express his horror of the ills of civil war. In truth, the right hon. Gentleman's speech was, in every sense, an insult to the people of that country, and proved, in every phrase, how totally unfit he was for an office which afforded so many opportunities of endangering the peace of the empire. Enshrined in a fancied aristocratic superiority of birth and station, the right hon. Gentleman seemed to think it quite beneath his lofty reputation to hold out the olive-branch to Ireland. Indeed it made one's blood boil to hear any Minister presume, in a freely chosen Parliament of the British people, to utter a speech so calculated to incense an excitable, and long-injured, and sensitive, and brave people. But it was useless remonstrating with a Gentleman so wrapped up in his own fancied superiority. He therefore addressed himself to the noble Lord opposite, who so eminently blended the *suaviter in modo* with the *fortiter in re*, with the

hope of inducing the noble Lord to counteract the mischievous effects of his right hon. colleague's speech, by his assurance that Ministers intended to propose such measures of relief for the ills of Ireland as would enable him, and those who acted with him, to give Ministers their conscientious support. He was as opposed as any man in that House to a Repeal of the Union; but unless justice be dealt to Ireland, he would vote with the learned member for Dublin, against the coercive policy of the right hon. Irish Secretary. Let them deal even-handed justice to Ireland, and they would effectually put an end to agitation, and the other ills which distracted it.

Mr. *Roebuck* had every disposition to give the present Government his best support, and, so far from throwing obstacles in its career, was prepared to forego some of his own views and opinions, but most certainly was not prepared to give them a vote which must lead to a civil war in Ireland, as he should do were he to vote in favour of the right hon. Irish Secretary's intended measures. That right hon. Gentleman seemed to play with men as if they were so many puppets, and not human beings like himself, of strong feelings, passions, and high emotions—indeed, as so many “kneaded clods,” to be treated as checkers or dice, but not as rational creatures to be appealed to through their kindlier feelings. When called upon in a great crisis in public affairs to legislate for a great nation, instead of discussing the question calmly, and as an intellectual and moral being, the right hon. Gentleman made a furious and insulting appeal to their worst passions, regardless that the result might be the involving, not only of Ireland, but England and the world, in a conflagration. This was no ordinary question—it was no “mere Irish” question—it involved the interests of good government in every clime and language. Had the right hon. Gentleman read the history of the last fifteen years? If so, he must have seen that the two great antagonist principles were in fierce and unslackened contention—the principle of self-government—and the principle of aristocratic domination. He must have seen, too, that the former, the better principle, that which involved the best hopes of the human race—the principle of self-government, had every hour waxed more and more in strength and glory, and had manifested itself in

high places in a manner which even aristocratic phrenzy could not withstand. It was its growing strength that had driven the great captain and the influential and all powerful Minister, the Duke of Wellington, from office and station; and it was it which wrung the repeal of the Test and Corporation Act, and Catholic Emancipation, from a reluctant oligarchy. It was to its daily extending influence that the people were indebted for the Reform Bill, as it was it that would prevent even the immediate authors of that Bill from longer directing the power of the Executive against the long-oppressed Irish people. And was the first Act of a Reformed Parliament, the calling upon the chosen guardians of the people's rights to aid the right hon. Irish Secretary in his rash career against the rights of the people of Ireland? But who dared to follow him? They were told, on the highest authority, that Ireland was in a state of anarchy and civil confusion; and what was the right hon. Gentleman's proposed remedy? Why, the doing away altogether with trial by jury, and, of course, suspending the *Habeas Corpus* Act. He would recommend a far other policy to the right hon. Gentleman—one, too, which evidently never entered into his head, though, forsooth, a member of a liberal Administration; he would recommend him to treat Ireland honestly. Yes, for the first time, try the effects of those exploded virtues honesty and justice. Legislate for Ireland as if its inhabitants were rational beings; address them—if, indeed, the right hon. Secretary knew how—by an appeal to their understanding. Attempt not to redress their grievances by force, when excision was the obvious and fitting remedy; and do not irritate their festering wounds by such peevish appeals to their worst passions as those attempted, he trusted unsuccessfully, that evening by the right hon. Secretary for Ireland. Instead of following the learned member for Dublin through his statement, and, if in his power, rebutting his charges, the right hon. Gentleman had contented himself with making a low-motived appeal to their pitiful national vanities. Indeed, were he an older Member of that House, there was no term of vituperation and contempt which he would hesitate to apply to the right hon. Gentleman's most ill-directed harangue. It indeed would seem that they were not to be addressed as the Representatives of a thinking people, and that the

first Act of a Parliament chosen by the intelligence of the British people was the recommending brute force to be applied to a case which only required justice and kindness. What would the people of England think of their Representatives, in the first Reformed Parliament, if they thus threw the country into civil war in obedience to the obstinate self-opinionatedness of a right hon. Gentleman who had proved himself wholly wanting in every element of the true statesman? He, for one, could not lay that night his head on his pillow with a feeling that he had conscientiously discharged his duty to his country, if he did not give that right hon. Gentleman his decided opposition. No words could express his feelings when he heard that right hon. Gentleman call upon the House to wage civil war against the people of Ireland—nay, as he had, against the human race. "A Government," said the right hon. Gentleman, with his usual pert self-complacency, "to be loved must be feared." Did the right hon. Gentleman know what the term "loved" meant? The right hon. Gentleman sneered at the question. He understood the meaning of that sneer; for if there was any feature more offensively distinguishing than another of the oligarchic aristocracy of this country, it was its readiness to sneer and laugh when the kind and honest feelings of our common nature should be appealed to. He had heard another astounding declaration that night. They had been told by the noble Lord (the Chancellor of the Exchequer), that the other great demand of the people—that of popular instruction—was also to be denied.

Lord *Althorp* was understood to deny that anything had been said about a refusal of popular instruction.

Mr. *Roebuck*: Why, what is the refusal to take the stamp duties off newspapers but a denial of popular instruction?

Lord *Althorp*: I merely said, I was not prepared at present to say that these duties should be taken off.

Mr. *Roebuck* knew the language of parliamentary evasion; but he thought it high time the people of England should have distinct answers, and that the replies to their demands should cease to be evasive; and comparing that answer with the conduct of the right hon. Gentleman, in trying to persuade them to adopt coercive measures towards Ireland, he could not help feeling that the suspicions that were

entertained of Ministers were not altogether without reality. There was something about the conduct of his Majesty's Government which should make the House alive, lest that Government should deceive them. He used plain language on all occasions, and he had not been long enough a legislator to learn the use of evasive expressions. It appeared to him that the Ministry did not understand the opinion of the people at this time. He stood there as an independent Member of that House—as the Representative of an English constituency. He had nothing to do with Ireland—and he asked, as a Representative of the people of England, what he was to do at this particular juncture—how he was to proceed—in what manner he was to act, if the right hon. Gentleman got up and divided the House upon this Motion? He had a great desire to support his Majesty's Ministers, but what should he say to that awful topic in the Speech? Could he tell his constituents that he had not considered it? They sent him there in order that he might give it consideration. What, then, he wished to know, did his Majesty's Ministers mean by those dreadful and mystic expressions? It seemed to him, at this juncture, that it would have been well if his Majesty's Ministers had carefully inquired into the situation of the people, and had made themselves acquainted with their mental, moral, and physical condition. He stood there as a witness to that condition, and from what he had seen of the people—and he had gone amongst them for the purpose of judging—he knew that there had arisen a deep bitter feeling of suspicion, which was going through them, and which he prayed his Majesty's Ministers and the House to respect, and not provoke. That feeling prevailed not only in Ireland, but in England. In Ireland it exhibited itself in the shape of Whiteboyism—in England, in a quiet but determined spirit of resistance, a feeling which last year induced the people to refuse the payment of their taxes and parish rates, and which feeling was even now in operation. Men were up and stirring. That feeling the Ministers had not considered—they sundered themselves from the people—and when within their own mystic circle, they shut out the evidence of their senses. If, however, they refused to pay attention to the people, the people would soon rise up in such terrible array against them,

that they would know not where to retire. Hitherto they had been accustomed to appeal to the people to support them in extremities; and if they divorced themselves from the people's cause, that last resource would be taken away from them. When he heard a declaration made against all improvement in our Constitution—when he heard the noble Lord declare the finality of the Reform Bill—that there was to be no further constitutional reform—he could not help asking what was the real meaning of these declarations? He feared it meant this—that the Ministry would arrest reform as long as they could, and when they were so pressed and frightened as to dare resist no longer, they would then yield to the demands of the people. He prayed them to pause in their course—to yield to the popular cry, and not to resist it; for if they refused to go onward with the people until they had driven them into the state which he described, great mischief must inevitably result, and they would at last be obliged to meet their demands in the face, loaded with additional difficulties, and with their power of meeting those difficulties materially diminished. He trusted the House would take these circumstances into consideration; in the mean time he must humbly enter his protest against the Measures proposed for the Government of Ireland by the right hon. Gentleman, as the best possible method of rousing the people to a state of fearful dissatisfaction, and depriving the Government of their confidence and support.

Lord *Althorp* felt himself obliged to make a few remarks, in reply to the hon. Gentleman who spoke last, in reference to what he had said, at an earlier period of the evening. He had only said, that he was not in a situation to answer the question which had been put to him; that he did not know the present means of the revenue: but he had stated further, that it was his opinion, that the tax on newspapers was a bad tax. If the hon. Member took that as a proof that he (Lord *Althorp*) was opposed to liberal instruction, that was supposing his premises correct, which was straining it a little, still the imputation was rather a strong one. His right hon. friend (Mr. Stanley) had been complained of on account of the speech he had delivered to-night against an hon. and learned Gentleman. But that hon. and learned Gentleman, as usual, had not been very sparing of

vituperations in his speech. The hon. and learned Gentleman had attacked his Majesty's Ministers on every point, and certainly with great eloquence, with great force, and with great vehemence; and he had particularly and personally alluded to his right hon. friend. His right hon. friend could not exhibit the least alteration in his countenance—he could not move a muscle of his face—without giving umbrage to some one. If he smiled, it was a proof of aristocratical pride; some interpretation of that kind was put upon every particular motion of his right hon. friend's face. He (Lord Althorp) did not think there was any thing in the speech of his right hon. friend that called for such observations as had been made by his hon. and gallant friend (Colonel Davies), or by the hon. Gentleman who had just sat down. Gentlemen might say, and he (Lord Althorp) agreed with them, that it was the bounden duty of this House to remove every just grievance of the people of Ireland. It had been his endeavour always to do so; and it was not his intentions only, but that of his Majesty's Ministers to remove every grievance they possibly could. But was it not a grievance that life and property in Ireland were not secure—that murder, burglary, and arson should exist in every part of that country? And since it was their duty to remove other grievances, ought they not to remove this grievance also? It was impossible they could apply themselves to remove the grievances of Ireland sincerely, if they left out of consideration the grievances he had alluded to. The hon. and learned Gentleman did not deny the facts; and it was impossible seriously to set about remedying the other grievances of Ireland, unless they put down this in the first instance. With respect to the remarks of the hon. and learned Gentleman on the Magistracy of Ireland, which he said was still in a very bad state, he did not know how the Government could set about regulating the magistracy of the country in a better way than that tried by the Irish Government, by applying to persons of authority and weight in each county. The very charge against his Majesty's Ministers was, that they did not govern Ireland on party principles, and that the Lord-lieutenancies were given to Noblemen politically opposed to his Majesty's Ministers. But a

large majority of the Lord-lieutenants of Ireland, were persons of liberal opinions, and Ministers took advantage of their services, whoever they might be, and there could not, he believed, be a better system. The hon. and learned Gentleman objected to the establishment of the petty sessions in Ireland, which was a most extraordinary objection, for he had certainly always considered it to be one of the *desiderata*, that investigations should be before Magistrates, and that their court should be a public one. The hon. and learned Gentleman said, that, amongst a bench of Magistrates, there would be a divided responsibility, and, therefore, it was a grievance, for that was no responsibility at all.

Mr. O'Connell: I said consolidated, not divided.

Lord Althorp should have thought that the responsibility amongst a bench of Magistrates was divided. So, as far as the responsibility went, the system was good, but the great improvement was, that the administration of justice took place in public. The hon. and learned Gentleman had stated, and stated in fair terms, not as an accusation against him, that he had given a pledge that the Jury Bill should have the support of Government. He (Lord Althorp) acknowledged, that he did give such a pledge, believing that he had full authority for so doing; the Jury Bill was, however, dropped at the close of the Session, but, as he had stated in another way to the hon. and learned Gentleman, entirely without his knowledge. He regretted it, but it was not his fault; and when he gave the pledge, he considered it, and even long afterwards, he was confident that he should be enabled to redeem it. He did not know, after the speech which the House had heard from his right hon. friend, that it was necessary to detain it longer. As to the measures of relief for the grievances of Ireland, his Majesty's Ministers were determined to apply the best remedies the case admitted of; but it would be recollected that the grievances of Ireland were of too long standing to admit of a remedy at once; that if they passed any measure which the most sanguine person could suggest, they would not at once remedy discontent and disturbance. Then, if they saw Ireland in the condition in which it was described in the King's Speech, and in the speech of the hon. and learned Gen-

tleman, which had exceeded the description in the King's Speech, and since the whole of the grievances of Ireland required a remedy, no remedy could have the immediate effect of calming discontent, for it was impossible to suppose any remedy could act like a miracle. Ministers were bound to protect his Majesty's subjects resident in that country, their lives, properties, and dwellings, and to adopt such means as the House should think expedient for repressing the outrages at present prevailing in Ireland.

Mr. *Hill* thought, that if the power now sought to be obtained by Ministers could by possibility be done without, it ought not to be granted. It was a question of serious consideration whether the House had sufficient confidence in his Majesty's Ministers to grant them such additional power without an apprehension of its abuse. He had listened with great attention to the statements of the hon. and learned member for Dublin, as well as those of other hon. Members, and he came to the conclusion that, be the fault where it might, Ministers were incurring an awful responsibility in thus seeking an additional physical force for the suppression of disturbances in Ireland. He had been much astonished at the catalogue of Irish grievances poured forth by the hon. and learned member for Dublin, particularly when he found him going so far back as the reigns of Henry 8th, James 1st, and Charles 1st and 2nd. But the hon. and learned Member should recollect, that if Ireland had suffered under the tyrannical sway of those despots, England had also had her share of suffering under them; and it was only after they had passed away that her government approached its present form. He was astonished also at hearing the hon. member for Dublin declare, "upon his conscience," that he did not believe the Parliament or people of England would do justice to Ireland. He would say for himself, as the Representative, however unworthy, of a very considerable number of constituents, that the people were most anxious to do justice to Ireland; and he could assure the hon. and learned Member, that the wrongs of Ireland, which even his (Mr. O'Connell's) eloquence had failed to paint in adequate colours, were deeply and feelingly sympathized in by the people of this country. He felt convinced that, under all circumstances, the power now sought for, and which he trusted would be grant-

ed—["*hear, hear,*" from Mr. O'Connell.] If the hon. Member had only had the patience to hear him finish the sentence, without the interruption of his sarcastic cheer, he would have found that what he was going to say was calculated to satisfy even him. What he was going to say was, that if that power were granted to Ministers, they would take it with an awful responsibility upon their heads; and if, after suppressing the grievances complained of, they should be found sluggish in applying themselves to the other abuses under which that unhappy country was at present labouring, then the people of England would not be slow in visiting them with the severest censure and punishment which their conduct deserved. It was not that the Parliament was to bestow this power as a gift, but as a dangerous weapon, for the proper exercise of which the Government would be called to a strict and severe account. He, in common with the hon. member for Bath, felt dissatisfied at what had fallen from the noble Lord, the Chancellor of the Exchequer relative to the non-removal of the taxes upon literature. He implored his Majesty's Ministers to bear in mind (if his feeble voice could have any effect), that while they called for physical force on the one hand, the most certain mode of effectually improving the moral and social condition of a people was by educating them. Unless the Minister adopted this system, they might rest assured that, if they required thousands this year to repress evil, they would next year find it necessary to call for tens of thousands for the same purpose. He thanked the House for the attention with which he had been heard, and concluded by stating that, unless he heard something more convincing than he had hitherto done, he should vote for the original Address.

Mr. *Lalor* expressed his surprise, as was understood, at the course taken by the right hon. Secretary for Ireland, whose only grounds for demanding additional powers in Ireland appeared to be because Juries were not found efficient, owing to the system of intimidation in use in that country. Now, he challenged that right hon. Gentleman to state whether, out of the 150 cases tried at the late Special Commission held in his county, there was more than one acquittal? He protested against the measures to be employed against Ireland. The forces they had already were not sufficient for the purposes

they were intended for. The great reason of the excesses was, the interference of Government agents among the people. One instance of their interference he recollected, where a Police Chief, who was called to give evidence in a case where his party had killed a young man, and alleged as a reason, that he had received an intimation from the Secretary of the Lord Lieutenant, acting upon the suggestion of the Attorney-General. This was law. He recollected the feeling exclamation of the father of the lad that was killed:—"Ah, Sir, if I had been called on to give evidence, and refused like that gentleman has done, I should have been handcuffed and sent to prison; but there is one law for him and another for me." He (Mr. Lalor) had heard the agitators taunted with being the cause of all the excesses and crimes; but he repelled the charge as most infamously false, and would say his sincere conviction was, that but for the interference and advice of the agitators in all parts of that kingdom, there would have been much more crime and bloodshed than at present. There were many causes to agitate Ireland, but the great branch of agitators were the hireling incendiaries, who were sent about by those who ought to repress them, stirring up the people, already goaded by their deep injuries, inflaming their passions, and drawing them into crime, and to form illegal associations, which, as soon as formed, were informed against by these wretches. With respect to the assertion, that in Ireland no one dared to give evidence on pain of death, he again denied it altogether; and defied any one, even the hon. Member who seemed so well acquainted with the King's County, to produce any instance where any witness or juror had suffered for the lawful discharge of his duty. Yet this was the only ground assigned by the Ministry for taking away a portion of the constitutional liberty of Irishmen. He cautioned English Members against assenting to a destruction even of a portion of the liberties of their Irish fellow-subjects, for, if the example was once set, they knew not how soon the case would become their own.

Mr. *Clay*, as the Representative of a constituency which in no point was second to any in the empire, could not give a silent vote in favour of the Address. He should give his support very reluctantly to the Address without a more distinct pledge from Government of efficacious

remedies for the evils complained of. He was sure he spoke the sense of the majority of his constituents in declaring his full opinion that coercion would utterly fail of success. He would ask, too, however modified they might make the system of collecting tithes, did they intend to appropriate these enormous revenues, when collected, to the support of a mouldering establishment, which only administered religious consolation to one-sixteenth of the population. He wished to be distinctly informed of the proposed appropriation. He was most grateful to the men who had—he would not say, procured Reform, for that the people had done for themselves, but who, having discernment enough to see the spirit of the times, had given it an impulse and direction which had quietly accomplished a great benefit. He was, therefore, unwilling to believe that such men would now draw back, and fail ultimately in carrying forward to its proper result the legitimate and satisfactory remedy of all our grievances. He would not trespass longer on the House, but would conclude by warning his Majesty's Ministers that the majority which now appeared so triumphant in their favour would fail them, if they exhibited any falling off from a determined spirit to carry forward every beneficial measure to its fullest extent.

Mr. *Gillon* would not give a silent vote on the present occasion, in favour of the amendment of the honourable and learned member for Dublin. An hon. Member had expressed some regrets which he shared—that nothing was said in the Speech from the Throne in allusion to the distresses of the working classes. He could vouch for the severity of those distresses, and for the patience and magnanimity with which they were borne. This omission was not intentional on the part of his Majesty's Ministers; but most likely it was still to be regretted as having relation to those who must ever be considered as forming the true strength of the nation. He also objected to that part of the Speech which referred to the Church, which was unsatisfactory in the highest degree. In that portion of the country to which he belonged there was a growing desire for an immediate separation between the Church and the State. He hoped that that separation would be made one of the consequences of reform. He was also strongly opposed to the sentiment which

pervaded part of the Speech, implying, in effect, that the property which was now considered as the property of the Church, could be legally applied to none other than ecclesiastical purposes. If the Legislature were unable to make such an arrangement as might alter its appropriation in some particulars, for what object was the Parliament reformed? The noble Lord, the Chancellor of the Exchequer, said, that it was not in his power to take off any of the taxes on knowledge until he knew what was the state of the total revenue of the year. Was this all the country was to gain by our boasted reform? In one or two years more, indeed, we might perhaps read, it should seem, cheap newspapers. When asked by the people for the abolition of the malt and hop tax—the tax on soap—on insurances—what were they, their Representatives to tell them? When they came to them with this just demand for a redress of some of their grievances, what answer were they to give them? That they were to go on, burthened as usual, and groaning under the weight of excessive imposts; but that the bishops, the chapters, the deans, and all the long catalogue of tithe-consumers, were still to fatten on their labours. There was another point connected with the same subject, to which some allusion ought to have been made in the Speech from the Throne—the propriety of ecclesiastical persons retaining their seats in the other branch of the Legislature. He meant, however, 'to introduce a motion on this subject himself, as he conceived that the time had now arrived—or would speedily arrive—at which they must put an end to that impolitic and Unchristian association of Church and State that now subsisted; and place religion on its best and surest foundation—its own purity and truth—free altogether from those shackles of the secular arm with which it was now encompassed.

Mr. Henry Grattan expressed, with great regret, his dissatisfaction at the Speech which had been that day delivered from the Throne: and he was still more sorry to find fault with the Speech of the noble Lord who proposed the Address, in answer to that communication. Much as he had been surprised at his Majesty's Speech, he was still more so at that of the noble Lord, who had brought a question before the House which had nothing to do with the subject at present under consideration. That noble

Lord had certainly committed an act of imprudence; which, however, as he was a young Member, would have been pardonable on his part, had he not, when speaking of Ireland, taken the liberty of casting aspersions on some of her brightest ornaments. He (Mr. Grattan) would not follow his example in travelling out of the question—but confine himself to the subject before the House. The Speech from the Throne announced, that in Ireland a spirit of insubordination and violence had risen to the most fearful height. What authority had the right hon. Gentleman opposite for that statement? Was it the authority of Chief Justice Bushe, of the Special Commissions, or of the hon. member for Queen's County? His Majesty called upon that House—a Reformed House of Commons—to apply a remedy to grievances which existed in two counties—and how? By suspending the law throughout Ireland: for it appeared that the Jury law was to be suspended. Why should the entire of Ireland be subjected to a suspension of the laws for the misconduct of Kilkenny and Queen's County? Was ever such a course pursued for England? He would appeal to the older Members of this House, whether, before the *Habeas Corpus* Act was suspended, there was not an inquiry instituted into the circumstances which were stated to call for so extraordinary a measure? What George 3rd and his most tyrannical Ministers never dared to do with a House of boroughmongers and nominees, the present Government now proposed to a Reformed House of Commons. Look at the Speech itself, from the Throne. It was a poor, meagre Speech. Such words might not be very palatable, perhaps; but he would add, it was a monstrous Speech; an unjust, an unworthy, an ungrateful, an artificial Speech. Look at the very words of it. The King required of the Legislature additional powers—to do what? To keep down disturbance in Ireland? Aye, and to put a stop to "agitation"—to the expression of the feelings of the people. Of what use had their fine proclamations been? Had they stopped agitation? The people acted—and not violently—and the proclamations became useless. He would ask those noble persons opposite, was it intended to send forward gentlemen armed *cap-à-pee* to repress disturbances, for the asserted existence of which there was not the shadow of a foundation?—Ought not

the right hon. Gentleman opposite to tell the House the real facts of the case before he called on them to suspend the law? What was the opinion of the twenty-two Gentlemen who sat on the state of Ireland last year? Decidedly opposed to such a course. What was the opinion of the clerks of the peace—of individuals coming from that country? That coercive measures would not do. What did Mr. O'Connor say? That the peasantry of the country were starving—lying in ditches, without garments, in a state such as never was known or experienced before, which it would harrow up the very soul to describe. He would appeal to a report of that House, which stated the whole numbers of the population of Ireland and the portion of them in employment. The House would scarcely believe, that out of 8,000,000, there were now only 1,600,000 employed. He might refer to other documents—to a report which stated, that out of a population of 200,000 in the metropolis of Ireland, 100,000 were obliged to support themselves by the work of their hands—that one-fourth of that population were in a state of absolute want. This was a grievance which called loudly for redress. Then came another: the people were turned out of their farms, reduced to a state of the most abject privation—left to lie in ditches. To remedy this state of things, the Ministers proposed to saddle the country with taxes, and with an increased military force. They hoped thus to stop the agitation of the question: “Whence arises this state of things?” and which agitation they thought, perhaps, had no foundation, no solidity, no heart, in the feelings of the people. They ought to have taken a different course. In the report which he had alluded to, they would find it stated, that those disturbances, the occurrence of which formed the text of so great a passage of his Majesty’s Speech, would have been put down if the Magistracy of Queen’s County had done their duty—that everything like outrage would have stopped, but that it would yet be impossible to accomplish that desirable end by force unaccompanied by conciliation. The Ministers now called on the House for strong measures, without even stating what were the evils they complained of, and how, precisely, they were to be remedied. They had promised nothing—they had said nothing of their intentions. The words of the

King’s Speech were these:—“An Act was ‘past during the last Session of Parliament ‘for carrying into effect a general composition for tithes; to complete that salutary work, I recommend to you, in conjunction with such other amendments of ‘the law as may be found applicable to ‘that part of my dominions, the adoption ‘of a measure by which, upon the principle of a just commutation, the possessors ‘of land may be enabled to free themselves ‘from the burthen of an annual payment.’ That was to say, having made tithes compulsory, they would continue the compulsion of their payment: but would allow the annual tax to be commuted. How did the Ministry think the people would receive such a measure? Would they, then, talk of vindicating the law? Vindicate the law! They had no idea of what law was. Had not the House seen the officers of the Crown bring 5,000 actions for the amount of as many farthings? He had a list of the suits instituted for the recovery of tithes; the first was for 2*d.*! In this case payment had been made; the agents of the Crown said it had not been made; and then the individual produced his receipt. He could adduce many instances in which proceedings had been commenced to recover tithes, which had been already absolutely paid. In one case, in the county of Dublin, a promissory-note had been given to a clergyman, and paid; it was sworn, by some one on the part of the Crown, that such was not the case; but the note was brought forward. He distrusted the hon. Gentlemen opposite, because they had shown that they did not understand their own measures. If the right hon. Secretary had been intelligible last Session, a great deal of the present confusion would have been avoided. He told the House that he would extinguish tithes. Not only had he not performed his promise, but he proposed a Bill to commute them, in order to make them permanent. That was what he called “extinguishing” them. To carry into execution his purpose, he now asked for a military force, and a suspension of the law of the land. He said, that these coercive measures were to be accompanied by others of a conciliatory nature. But did he state what his remedy for the grievances was? How many Bishops did he mean to have,—how many incumbents? Or did he intend to keep up the clerical body at its present complement? Was one-seventh of

the produce of Ireland still to be applied to their support? Were they to have 1,700,000*l.* distributed among them; and then was it to be said that the people of Ireland had no grievances to complain of? If the Representatives of that country were not to exclaim against such an attempt to mislead Parliament, as this, they would be unworthy the trust reposed in them. The remedy which the right hon. Gentleman opposite called for, might be called a declaration of war; at all events, it exhibited a great want of statesmanlike abilities, and prudence on his part. He said that he would support his cause "to the death." He would remind that hon. Gentleman of what Mr. Fox once said: "If Ireland is to be held by force, I do not think she is worth holding." Let the right hon. Gentleman go home and study the speech in which that passage occurred; let him come down to-morrow and retract that brutal expression of his. He (Mr. Grattan) was not in the habit of obtruding his opinions: he had never made himself conspicuous as an "agitator," but he was not to be deterred from doing what he conceived to be his duty to Ireland, by those exploded opinions and sentiments about loyalty,* and the rest of the trash which was usually given out in no measured terms or quantity, when that country was the subject of remark. It was a mistake to think there was a want of honest spirit and constitutional knowledge in the lowest classes of the people of Ireland. He would allow that they occasionally committed excesses; but those excesses were brought on by their cruel situation. Put them in a natural, a fair condition, and those excesses would cease. Was it not an injustice unheard of in history, that a body of men should come to an island, take the rents of almost all the land in it, and then run away from it, contributing nothing to its produce or its revenue? And when the people complained of "grievances," were they to be told, under such a state of things, that they had none? The people of Ireland had lately mixed up the question of the Repeal of the Union with the wished-for redress of their grievances—not because they understood and approved the nature of such a question, but because they were oppressed by imposts and taxes of all kinds—oppressed by Church cesses and tithes, in a manner if not unconstitutional, at least unseemly and irreligious. Was not the patience of 600 years enough

to entitle them to relief? Was not the patience even of the period which had elapsed since the Union, sufficient? It was said that the people of Ireland were led by demagogues, who inflamed their minds, and excited them to demands which would otherwise never be thought of. But what was the real fact? That the Irish people patiently waited for a great number of years; they knocked at the door of that House, they were refused admittance for a long time, and allowed it only (as was usual in such cases) when it was useless any longer to deny it. The same inattention had been shown to all their subsequent desires, and they now looked to themselves. The right hon. Gentlemen opposite might disregard them. He would remind them that there was once a Tory party in Ireland—it was now extinguished. There was, too, a Whig party; let those gentlemen take care that it be not extinguished also. The proceedings of this debate had surprised him. He was astonished to see individuals, from whom he had expected better things, coming forward to advocate a line of conduct which the experience of past years had shown to be productive of such baneful effects. Let the House look at the consequences that had frequently occurred in attempting to carry into execution the provisions of the former measure, which the right hon. Gentleman intended to follow up so vigorously—at the imposing array of military and police force which were called into requisition for that purpose. In one case, a company of the Lancers, two pieces of artillery, and two companies of the 92nd Highlanders, were called out to attend the sale of one unfortunate cow. When that measure for the commutation of tithes was proposed, what did the Irish Members say? That Government would require troops to execute it; that they would degrade the army, and convert them into pig-drivers and cattle-drivers. Were they not right? The troops themselves felt the degradation, and expressed their feeling. He would mention an instance which came within his own knowledge. He was staying at an hotel, to which some of the officers who had been engaged in one of these transactions came. They were English, he was told, and judged so from their Yorkshire dialect; and he learned that they expressed the greatest dissatisfaction at the duty which had been assigned to them. He would

ask the hon. and gallant Officer opposite, whom he saw shaking his head, was the condition on which he accepted his Majesty's Commission, that he should turn pig-seller? The gallant Commander, however, to whom the general conduct of this business had been intrusted, had been guilty of a violation of the law. He might be a good soldier; but lawyer he was none. To his (Mr. Grattan's) knowledge, the troops had been engaged in collecting—not the tithes of 1831, which were assigned to the Crown by the Legislature of last Session, but the tithes of 1832, with which they had no right to meddle. Their interference was illegal, moreover, because no Magistrate or other deputy of his Majesty had a right to call out the troops, unless he received information that the lives of the King's subjects were in danger. They had, in some instances, attempted to collect tithes which had been already paid. In proof of this, he would mention the case of Mr. Clark, and the letter which Lord Anglesey wrote him. It appeared that the tithes of 1832 were called for by the clergyman, with a body of police, and a party of carabineers and lancers. Mr. Clark was from home; and the cattle were being driven away, when Mrs. Clark went out to the officer in command, and soon made it appear that it had already been agreed to accept a composition for the tithes. Lord Anglesey then wrote a letter of apology, stating that the conduct of these troops did not meet with his approbation. Was such a state of things to be continued? Were these temporalities of the Protestant Church to be kept up? Was Ireland to have the same number of clergymen in future, as now—men, who were admitted to be in a state of complete poverty? The entire population of the country was against the system. There must, then, be something wrong—radically wrong, in its principle, and in the mode of its enforcement. He was attached to the people of England, not because they were rich or better informed, or possessed of more talent than the people of Ireland (for he agreed with the hon. member for Knaresborough, that there was to the full, as much talent on the other side of the water as on this), but he was attached to them because of their Constitution—their great Charter—their Trial by Jury—their Petition of Rights, which they would not allow to lie dormant. He was confirmed in that attachment by the firmness with which they maintained those rights,

and resisted all attempts at encroachments. Far different, indeed, was the case of Ireland. That unhappy country had ever been the victim of oppression and misrule. The few privileges she did possess, were now, it appeared, to be taken away, because she cried out for a redress of the grievances under which she groaned. He trusted that, hereafter, it might not be recorded, that, after 600 years of various government, there were two great parties dominant in Ireland—the Tories, who supported the pitch-cap and triangle—and the Whigs, who supported the bayonet and bullet. Was this an appendix to the history of England, to be written by the right hon. Gentleman opposite? He would tell him, that if the Union was to be maintained between England and Ireland, the bond of connexion must not be the red coats—it must not be the sword; it must be a harmony of interests and feeling. The conduct of the present Government was singularly imprudent; the course which they pursued rendered it impossible for a large body of Members to support them, from whom they might otherwise derive the most essential aid. The right hon. Gentleman had talked contemptuously of the Irish Parliament, which existed previous to the Union. If that Parliament were bad, it was so from the bribery of the Ministry of England. When Ireland received her Constitution, it was thought necessary to provide, carefully, against the chance of any benefits accruing to her from it. They were obliged to undermine the superstructure which they raised, in order to continue the system which they desired. The folly and incongruity of the conduct of his Majesty's Ministers was striking; it was obvious to all but themselves. He would implore the kindness and amenity of the noble Lord opposite, to prevail over the severity and cruelty of the right hon. Gentleman by his side. This was a question in which all were deeply interested; it was impossible not to feel strongly on it, and not to express one's feelings with warmth. It was a question of life or death, and what was more, a question of liberty. He would rather his countrymen were rebels than slaves. He called upon the House to consider well the course proposed to it: it was this—to suspend the law throughout Ireland; to subject that harassed and miserable country to all the evils of military government?—What authority had

they for supposing that such coercion would produce the effect desired? Was it, he would ask again, the speech of Chief Justice Bushe? Was it the Special Commissions, or the Clerk of the Crown? Had not all these told Ministers that not a single offence could be committed in Ireland for which there was not already a penal law? What more would they have?

He called upon them to pause before they increased the already overwhelming load of taxation, and alienated entirely the feelings of the people of Ireland. The consequences which were likely to follow upon these violations of the law might be gathered from the history of the revolutions of America and France. At the close of the last century, the people of the latter country clamoured loudly for a redress of grievances. It was attempted to resist them. The resistance was vain, and the people triumphed. Then came that dark period of the annals of that country—that course of crime and blood which was prompted by the philosophers of the age, and which terminated in their own overthrow by one greater than themselves. He would forbear to continue the subject; and would now conclude, simply expressing his ardent hope and wish, that England and Ireland might remain united—but his anxious fears, that the course of policy pursued by his Majesty's Government was ill calculated to attain that object,

Debate adjourned.

HOUSE OF COMMONS, Wednesday, February 6, 1833.

MINUTES.] Papers ordered. On the Motion of Mr. HARVEY, various Returns concerning the Court of Chancery and other Law Courts and the Judges Salaries.—On the Motion of Mr. ROBINSON, of the Number of Vessels which passed the Sound in the years 1831 and 1832.—On the Motion of Mr. HUME, an Account of all the Sums of Money in the Suitors Fund which have remained unclaimed for thirty years; Copies of the Reports of the Commissioners for Revising the Civil Affairs of the Navy in 1806, which refer to the formation of a School of Naval Architecture, and other Papers relating thereto; various Returns concerning the Expense and Duties of the Register Office in Scotland; a Return of all the Dates of all the Commissions of Cavalry Officers commanding Regiments; the Names of all Persons receiving Diplomatic Pensions; and Numerous Returns relating to Canada.

Petitions presented. By Sir ANDREW AGNEW, from Sorby and Wigtown; and by Mr. FINCH, from Knossington, for the better Observance of the Sabbath.—By the SOLICITOR GENERAL, from Dudley, for the Repeal of the Speaker's Retirement Bill.

SPEAKER'S RETIREMENT ANNUITY.]

The *Solicitor General* presented a Petition most numerous, signed by the in-

habitants of the town of Dudley, stating the constitutional jealousy they felt from the circumstance of a right hon. Gentleman having been elected to the Chair of the House after an Act of Parliament had passed conferring a pension upon that right hon. Gentleman, and praying that the Act conferring such pension might be repealed.

Mr. Warburton said, that, as the petition which had just been presented embraced the principles which he had advocated on the first day of the meeting of the present Parliament, he begged to say, he was not aware that any such petition was contemplated, or would be presented, until he had been written to by the petitioners, requesting him to support its prayer. The subject he should take into his serious consideration, before he took any step towards the Repeal of the Act alluded to. Many objections had been stated to him by several hon. Members on the subject, which, with the matter itself, he should fully and deliberately weigh in his mind before he took any proceeding on the question.

The *Solicitor General* had been requested by his constituents to report the Bill for the Repeal of the Speaker's pension; but, as there was no such Bill, the matter, as far as he was concerned, dropped to the ground.

Petition laid on the Table.

CATHOLIC SOLDIERS IN INDIA.] Mr. O'Connell said, he hoped it would not be inconvenient to the noble Lord, if he was permitted to ask the right hon. Baronet, the Secretary at War, a question of the highest importance, affecting a most meritorious class of British subjects serving in the Army in India, and of the Roman Catholic faith. Grievous complaints had reached him (Mr. O'Connell), on authority which could not be questioned, that the men were suffering much mental torture in consequence of being deprived of the comforts of religion. The Government had made no provision for the religious instruction of persons professing that faith, though they were very numerous, and were necessarily obliged to remain in the country in which they were serving for long periods of time. He wished to know from the right hon. Baronet, whether there existed any intention of remedying this evil.

Sir John Hobhouse said, that he was

not aware that any complaint in this respect had been made by the Roman Catholics serving in India, though there had been complaints with regard to the want of religious instruction in the military hospitals at home. He thought some provision as to this ought to be made, but as the Secretary at War only acted in this regard under the terms of a Treasury minute of the year 1828, he had no power to interfere.

SESSIONAL ORDERS—ALTERATIONS.]

Lord *Althorp* said, that in rising to propose the Sessional Orders for the present year, he did not apprehend it was necessary now to enter into the discussion of all, as he intended first to propose an order to which due regard must be had, as it related to the business of the House. There was no duty more imperative or important than that of hearing the petitions of the people, and he was sure that when he addressed himself to those hon. Members who sat in the last Parliament, they were well aware of the great inconvenience arising from the mode in which petitions were then presented. It was inconvenient, not only as regarded the consideration of the petitions themselves, but equally so from the interference that arose to the other legislative functions of the House. The evils which had arisen it had been endeavoured, during the last Parliament, to remedy, and various modes had been proposed—one, that the order of presenting petitions should be fixed by ballot, but this had not been found effective. That system, moreover, was not consonant to the feelings of many Members. The fact was, that great difficulty was experienced in the presentation of petitions. Members attended, day after day, for weeks together, without the possibility of presenting petitions intrusted to them. It was suggested that petitions might be presented after the regular notices and orders of the House were concluded; but it was quite clear that petitions of special interest and importance could not be presented at such a time with any effect—certainly their contents could not be discussed. In consequence of the difficulty by which the subject was beset, a right hon. Baronet called for the appointment of a Committee to examine it. A Committee was accordingly appointed to inquire in what manner the business

could be best expedited, and they took the whole question into consideration. That Committee recommended, that petitions should be presented to a Committee of the whole House, which should sit during the morning to receive petitions, and which should be dissolved when the Speaker took the Chair. It was not, however, deemed fitting to adopt such a change as that. He was of opinion that petitions should be presented when the House was regularly formed, and the Speaker was in the Chair. That had always been the case, and it was most desirable that it should still continue to be the course adopted. The plan which he should have the honour to propose, and which had been printed for the information of Members, was, in the first instance, that the petitions should be presented when the Speaker was in the Chair. The difficulty was, whether or not petitions should be presented in the ordinary time of the sitting of the House. At present the presentation of petitions extended to so late an hour of the evening that it interfered with the public business, which was in consequence much retarded. His proposition was, that Members who had petitions to present should place their names on the Speaker's paper, *de die in diem*, and that they should be heard in regular rotation. In that way every Gentleman would have an opportunity to present petitions. They might undoubtedly be somewhat delayed, but not for so long a time as was experienced under the present system; for, as the business was now arranged, if a Gentleman did not come down very early to place his name on the list, he might be delayed till it was no longer in his power to present his petitions. His proposition was, that the Speaker should take the Chair each day at twelve o'clock, and sit till three, for receiving petitions and despatching private business; that, at three o'clock, he should adjourn the House, and that whatever debate, on a petition, might happen at that time to be before the House, should be adjourned till the next day; that the House should re-assemble at five o'clock, when the orders or notices should be immediately proceeded with. There would, he conceived, by such an arrangement, be ample time for the purposes of discussion, without sitting up very late at night. He thought it desirable that this distinction should

take place between presenting petitions and the proceeding with public business. By this plan Gentlemen would have an opportunity of addressing the House on the subject of petitions without retarding the progress of public business, which would commence at five o'clock. He confessed that he had been guilty of not attending so much to petitions as he ought perhaps to have done; but, situated as he was, it was impossible for him, under the existing system, to attend to his official duties, to be present early and late in the House, and at the same time to take any refreshment. By his proposition, however, two hours would be allowed between the presentation of petitions and the commencement of public business. He himself, or some other of his Majesty's Ministers, would be present when petitions were introduced. It was important that it should be so, and he was sorry that such was not the case in former Sessions of Parliament. He felt considerable reluctance, when a Committee of that House had offered certain suggestions on this subject, to be compelled to declare that he could not accede to them. He conceived it to be very important that petitions should be presented when the Speaker was in the Chair, and he did not think it would be so well if they were presented in Committee. As to the number of times a Gentleman was now allowed to speak on the presentation of a petition, it was a point that deserved correction. At present a Member might speak four times on such an occasion; that surely was not necessary, and such a privilege certainly delayed the business of the House. By the proposition which he should make, a Member, on presenting a petition, would have the right of speaking twice—first, on the Motion that the petition be laid on the Table; and again, if he deemed it necessary that the petition should be printed, on moving that question. The noble Lord then moved—"That this House do meet every day (except Saturday), at twelve o'clock at noon, for private business, and for receiving petitions, and do continue to sit until three o'clock unless sooner adjourned. That, at three o'clock precisely, Mr. Speaker do adjourn the House, and leave the Chair without putting any question for adjournment. That the business then before the House be taken up on the next day, and have precedence in respect of other business of the same kind. That

the House be adjourned only till five o'clock, and that it do then meet and proceed with the business set down in the Order-book. That if a House is not formed before one o'clock for the sitting between twelve and three o'clock, Mr. Speaker do then take the Chair; and if forty Members be not present, do adjourn the House till five o'clock; and, in like manner, if the House is not formed at six o'clock for the sitting in the evening, Mr. Speaker do then take the Chair; and if forty Members are not present, do adjourn the House till twelve o'clock next day. That Committees do sit from nine o'clock till twelve, and from three till five. That no Committee do sit during the sitting of the House, without the special leave of the House."

Sir Robert Peel said, if an arrangement could be made really conducive to the convenience of Members, and which would have the effect of expediting the business of the House, he certainly should, without hesitation, agree to it. The plan which was now proposed required, in his mind, much consideration, and he did not think that he was at all premature in making some observations on it thus early. It should be recollected that there were now in that House 300 new Members who possessed very little experience; and was it right, without further consideration, that they should adopt such an arrangement? If they called on those new Members for their concurrence, they themselves, perhaps, would doubt whether they were competent to decide on such a question. He very much doubted whether they had read the Report of the Committee of last Session—a Committee which was composed of individuals most deeply experienced in the business of the House. He did not ask any one to decide on the merits of the new plan; but he would demand of the House whether those who came there with very little experience of parliamentary business were competent to decide on it at that moment? If the noble Lord proposed that public business should commence *bonâ fide* at ten or eleven o'clock, it was easy to deal with so plain a proposition. But, if the mode which was now proposed were adopted, he was perfectly convinced that, in point of fact, the public business would be daily postponed, till six o'clock in the evening. By another part of the plan, Committees were to be formed at nine o'clock in the

morning, to sit until twelve, and again from three o'clock until five o'clock. Now, Gentlemen had much pressing and important business to transact. They had to read their letters in the morning, and to answer them. The letters would, of course, be brought to the Committee-room, and the two first hours, he would be bound to say, would be occupied, not with the business of the Committee, but in answering those letters. This was a very large town, and many Members residing at a distance could not attend without great inconvenience. Those who lived in the vicinity of the House might attend easily, but Gentlemen who lived at a distance of three or four miles would be very much incommoded. It would be taxing human strength too much to require attendance at nine o'clock, after a late sitting. If they did not look practically to these points, it was clear that any plans they might make must fail. He admitted the principle, that petitions should be presented in full House, the Speaker being in the Chair. He knew not how the noble Lord, or any official man, could perform his duties under the proposed system. At nine o'clock he might be called on to attend a Committee; he would come down stairs at twelve, and remain in the House till three; he would then have two hours for Cabinet Councils, and other important matters; and then, at five, he made his appearance for the purpose of taking a share in the general business of the House. He asserted that it was impossible to expect that any Minister of the Crown would or could proceed in this manner. They all knew that the subjects of petitions related to different departments of Government—they all were aware, that when questions were asked, a Minister frequently said, "I cannot answer till the head of the department is present." Under the proposed system, this circumstance would occur more frequently than ever. He therefore asked, whether it was possible, under all the circumstances, such a system could give satisfaction? Again, it was proposed positively to adjourn from three o'clock till five. Now, if it happened that there was a full attendance of Members, and a discussion arose, a political discussion, connected with the contents of a petition, the debate, it appeared, was to be broken up the moment three o'clock arrived. Would those, he demanded, who were occupied in that discussion meet on the fol-

lowing day, ready to proceed with it? Or would they meet with the same tone and temper of mind? There was another point to which he would draw the attention of the House. He had no doubt whatever of the self-devotion of the Speaker; but when they called on him to take the Chair from twelve till three, and to resume it at five o'clock, they were taxing the physical health and strength of a public functionary to too great an extent: The only time, under such circumstances, when a Member could call on that right hon. Gentleman for information on private business, would be before twelve o'clock in the morning, unless such information was irregularly called for when he was in the Chair. He hoped the noble Lord would postpone his proposition, and give the new Members the benefit of the experience of three weeks or a month. By that time Gentlemen would have an opportunity of judging of the probable number of petitions that were likely to come before the House.

Mr. O'Connell observed, that he had been a member of the Committee of last Session, to which allusion had been made, but he took very little part in its proceedings. Some mode ought certainly to be adopted for expediting the business. He had sat as many hours in that House since he came into Parliament as any other Member, and the inconvenience to him was extremely great. The old system was, to present petitions after the general business of the House had terminated. The consequence was that petitions were presented to empty benches. As to the number of petitions likely to be presented this Session, he could say, for himself, that he had enough to occupy a fortnight or three weeks. It would be well to consider whether, during three days in the week, they might not meet at ten o'clock; and, lest their might be a difficulty in making a House, they should frame a law, or order, declaring that the day after the failure of collecting forty Members, the House should be called over, and every Member who could not give a sufficient excuse for his absence should be taken into custody. On these three days two hours might be set apart for petitions, and from twelve o'clock to eight might be devoted to public business. He would suggest that, on the alternated days, the House should not sit at all, but that the different Committees should proceed with business.

An immense expense with reference to private business would thus be saved, because the attendance of witnesses and of legal persons would be very much shortened. They would, by this plan, have three full working days (not nights) in the week, and they would also have three additional days for Committees. Let not the English Members talk of the inconvenience they suffered from the present system—the Irish Members suffered much more. He was 520 miles from his place of residence; and many other Irish Members were similarly situated. They were willing, however, to bear the inconvenience until a mode should be devised that by expediting the business, would lessen it. He was ready to postpone the plan, which he had thus suggested to the House, for a few days, in order that it might be considered. He was not singular in the view which he took; and, he believed, at the proper time, it would be well supported. When Irish business came on, he thought that he should be going very far if he did not move the adjournment of the House before nine o'clock. Not only the Irish Members, but many English Members would, he believed, agree with his proposition. Up to the year 1792, the Order of the Day was read at one o'clock. It was since that time that they had fallen into night sittings. Important business was not, in consequence, now done as formerly. Many measures were merely voted, almost without debate or investigation, by Ministers who acted on their own responsibility.

Colonel *Davies* said, that he was not only a Member of the Committee of last Session, but, unlike, the learned Member, he had submitted many suggestions to it. He expressed his belief, that under the system proposed by the noble Lord, there never would be a full attendance of Members at the presentation of petitions unless force were resorted to. It was not likely that individuals would attend to hear discussions on petitions with which they had no concern. If, however, they were obliged to attend by force at an early hour, would they not afterwards come to the consideration of the public business wearied and tired? Besides, there were many useful professional Members of the House whose engagements would not allow them to come down. The gallant Officer then referred to the journals, and showed by certain entries of the year 1640, that repeated instances occurred where

orders were made for the reception of petitions by Committees. Why should not a grand Committee be appointed, of which five should be a *quorum*, to meet on certain days, for the purpose of receiving petitions? The petitions might be classified, and days appointed for each description of petition, whether connected with the colonial or any other particular interest. By adopting that mode, the presence of the Minister at the head of the department to which the particular petitions referred might always be secured.

Lord *Althorp* was willing, after what had fallen from the right hon. Baronet, to postpone the debate, not for three weeks, but till this day fortnight.

Mr. *Littleton* expressed himself in favour of a delay of three weeks.

Mr. *Wilks* was favourable to that part of the plan which limited Gentlemen who presented petitions to two speeches.

Sir *J. Fremanile* thought it would be better to postpone the consideration of the subject for three weeks.

The Debate postponed to this day fortnight.

Lord *Althorp* next moved the following resolution—"That when the contents of a petition have been opened, and the prayer stated by the Member who may have the charge of such petition, Mr. Speaker desire such Member to bring the same to the Table, and do then direct the clerk to read it, without allowing any other Member to speak, or putting any question upon such petition, before the same shall have been read, unless it should appear to Mr. Speaker, or to any Member, that the matter of such petition was in breach of the privilege of the House, or that, according to the rules and orders of the House, such petition ought not to be received; in which cases the question 'That the petition be brought up' be put and agreed to, before such petition be brought up."

Mr. *Warburton* thought, that the resolution would allow the Gentleman presenting a Petition to speak three times—first, on presenting the Petition; second, on the question that it be laid on the Table; and, third, on the Motion that it be printed.

The *Speaker* said, the Resolution only conceded the right to speak twice. In the first instance, the Member would only state the contents of the petition and its prayer; it would be then read at the Table, and no Member would be allowed

to speak, or put any question relative to the petition, unless it contained matter in breach of the privileges of the House, or was of such a nature as that, according to the rules and orders of the House, it could not be received. The Member could only speak on the questions "that the Petition do lie on the Table," and "that the Petition be printed."

Mr. *Wynn* thought, that as it might happen that there would be something objectionable in a petition, it might not be possible, if this Resolution should be carried, to ascertain the fact previous to laying it on the Table.

Lord *Althorp* said, that there would not be more difficulty in ascertaining that fact than there was at present, for as the usage at present stood, they could only tell what were the contents of a petition from the speech of the Member that presented it, unless there happened to be an adjourned debate upon it.

Resolution agreed to.

PRINTING OF PETITIONS.] Lord *Althorp* moved that the Report of the Committee of last Session, appointed to inquire into the printing expenditure of the House, should be printed.

Mr. *Hume* thought that it would have been well if this Report had been printed, and if the valuable suggestions which it contained with regard to the printing of petitions had been in the hands of Members before the resolution which the noble Lord had just proposed had been brought forward.

Mr. *Littleton* said, that the Report would be found to contain very valuable suggestions as to the printing of petitions. That expenditure formed no small item in the expenditure of the House. The expense of printing the appendix to the votes amounted, in five years, to 12,000*l*. In the last year it amounted to 2,000*l*., but it was not probable that it would amount to so much this year, as there were not so many exciting topics afloat. There was no other way of diminishing the expenditure connected with the printing of petitions than by having all petitions referred to a Select Committee, whose business it would be to arrange and classify them every week, or every fortnight, so that an abstract of their contents might be prepared—a species of information which was not only due to their constituents, but which it would be highly desirable to bring within

the reach of every Member of that House. The present great and useless expenditure in printing petitions was incurred, because, in many instances, hon. Members who presented them moved for their being printed in order to gratify local parties, while, in other cases, Members seemed to think that, having presented a petition, they should exercise the right of having it put upon record. Upon all these points the Report of the Committee of last Session contained most valuable suggestions.

Sir *Robert Peel* concurred in thinking that the suggestions contained in the Report were of a most valuable description. He thought, however, that it would be better to let the law and practice of Parliament remain as they were upon the subject of petitions until that Report had been printed and read by hon. Members, in order that they might be able to determine what alterations it would be desirable to introduce. He did not mean to object to the alterations proposed by the noble Lord; but he repeated that it appeared to him, that it would be better to let the law and practice of Parliament on the subject remain the same for a fortnight, and that then the House should come to a decision upon it.

Mr. *Wilks* said, that he for one would never consent to waiving the privileges possessed by Members on the presentation of petitions, unless the whole system with regard to petitions should be altered. The printing of petitions was often the only means of imparting most important matters to large and important constituencies. He agreed with the right hon. Baronet in thinking that, whether they should adopt or reject the suggestions contained in the Report of the Committees, the law and practice of Parliament should remain the same until they had the means of taking those suggestions into consideration.

Motion agreed to.

COMMITTEES ON RELIGION, &c.] The Speaker then proceeded to read the usual Sessional Orders, the first of which was, that the Committee upon Religion should sit every Tuesday in the week.

On this Resolution being read,

Mr. *Hume* said, that in this the first Reformed Parliament, this was a matter which deserved consideration. They must be all aware that this Committee had

been hitherto a complete dead letter. Now he for one was of opinion, that when a Committee was appointed it should be rendered efficient, and it was very important that it should be so, in order that any business that should come before the House, that fell peculiarly within its province, should be brought under its consideration. He threw out this as a suggestion whether it would not be desirable, upon this the first meeting of a Reformed parliament, that Committees of this description should be rendered really efficient. With that view he would propose that their numbers should be limited so as to ensure responsibility—that their Chairman should have the power of calling them together whenever there was a sufficient number of petitions to be referred to them—and that all petitions referring to subjects that came within their peculiar province should be referred to them. He threw out this suggestion at present without intending to move anything upon the subject, as this was not the time for discussing it. It appeared to him that the number of members on these Committees should be limited to seven or twelve, in order to render them efficient.

Lord *Althorp* said, that he agreed with the hon. Gentleman in the opinion that this was not the time to discuss the subject of those Committees. The first Resolution which he had just proposed as to the Committee upon Religion did not press in point of time, neither did the Resolutions as to the appointment of the Committee on Grievances, and the Committee upon Courts of Justice. These Resolutions might be discussed at any other period as well as now, and therefore, there could be no objection to postpone them, if the hon. Gentleman should wish for their postponement. But the Resolutions which followed respecting elections did press, and it was necessary that they should be discussed this evening.

Mr. *Hume* said, that, under these circumstances, he would move the postponement of the Resolutions as to the Committees upon Religion, &c. until to-morrow.

Mr. *Littleton* said, that it appeared to him a question whether the continuance of such a Committee as that upon religion was a matter of any importance whatever. He had that day spent some time in looking over the journals, and he could only discover one instance in which this

Committee on Religion had been resorted to since the period of the Long Parliament.

An *Hon. Member* said, that the best way would be to move that the Resolution should be postponed to that day six months.

Mr. *Hume* had no objection to such a postponement.

Lord *Althorp* said, that the better way was to postpone these Resolutions until to-morrow, and then to discuss them. He did not mean, at the same time, to say that he would be opposed to an indefinite postponement of them.

The Resolutions postponed.

ELECTION PETITIONS.] The Speaker having read the first of the Standing Orders with regard to Election Committees, Petitions, &c.

Mr. *C. W. Wynn* said, that he wished to take that opportunity to ask the noble Lord whether it was his intention to bring forward a declaratory bill for the purpose of explaining that clause of the Reform Act that related to the power of presenting petitions in cases of contested elections,—to declare, for instance, that Election Committees were at liberty to entertain objections against votes which had not been raised before the revising Barristers? The clause, as it at present stood, was involved in much doubt, and it required explanation. There were the agents of candidates, and other persons employed by them, whose votes could not be objected to before the revising Barristers, whose votes could only be objected to at the poll, and it was necessary that the powers of an Election Committee upon the point should be rendered clear and distinct, which was not the case as the clause now stood in the Reform Act. Upon the question as to the power of the Election Committee to take such objections into consideration, he knew that the opinions of very high authorities had been given both ways. They should not wait for the first decision of a Committee to be binding on the subject, as, perhaps, it would not prove to be so. His noble friend, he therefore trusted, would see the expediency of settling this question in one way or another. He knew that there would be an objection to doing so pending the decision of any petitions, and he therefore raised the question before any election petitions had been presented.

Lord *Althorp* said, that he did not apprehend that there were any doubts as to the meaning of the clause in question that could render a declaratory act of Parliament necessary at the present time. He was of opinion that any questions that might be raised as to the construction of that clause should be referred to the decision of their legitimate tribunal—an Election Committee. He certainly did not think that any declaratory act of Parliament was required on the subject.

Mr. *O'Connell* said, that the Irish Reform Bill differed in some degree, in that part of it from the English Bill, and it also, in that respect, deserved grave consideration. He wished to take that opportunity to ask the right hon. Gentleman opposite, when the Irish Population Returns would be ready to be laid upon the Table of the House?

Mr. *Stanley* said, that great delay had taken place in the presentation of those returns, in consequence of the House having ordered Special Returns different from those which had been made from several counties in Ireland. These Special Returns would be ready in a few days, and he believed that the whole of the Population Returns from Ireland would be ready to be laid upon the Table of the House in the course of a fortnight.

Mr. *C. W. Wynn*, referring to the clause in the Reform Bill to which he had already drawn the attention of the House, said that it was one with regard to which there existed great difference of opinion amongst professional men. Having been a Member of the House when the Bill was passed, he was well aware of the meaning and intention of the framers of that clause, but he understood that the words employed would bear a different construction.

The *Solicitor General* said, that the reason assigned by the right hon. member for Montgomeryshire for the passing of a declaratory act did not at all prove the necessity of such an act, for no law could be so framed that it would not admit of different constructions. He had no doubt that his learned friends at the bar would contrive, no matter how plainly and obviously a law was framed, to find out different constructions for it. He hoped that the decision on any questions arising out of this clause would be left to the legitimate tribunal—an Election Committee. If a declaratory act were to be passed in this instance, they would have declaratory

acts called for with regard to other clauses of the act, should individuals happen to think that they saw doubts or difficulties in them. Let the first Election Committee do its duty, and if it should decide rightly, the others would follow its example.

Mr. *Warburton* said, that the reason assigned by the hon. and learned Gentleman against the passing of a declaratory law in this instance would constitute a very good reason against our having no law at all. The only question was, whether a Committee of the House, or the House itself, was the fitter body to make a new law?

Mr. *O'Connell* said, that he certainly knew that corresponding clauses in the Irish Reform Bill had been interpreted in a way totally different from the meaning which the right hon. Secretary, and the legal Gentlemen employed in framing them, intended to convey by them. One of the clauses of the Irish Reform Bill specially excluded non-resident freemen from voting in cities and boroughs there, and yet one of the Irish Judges decided that the clause bore a different and totally opposite construction.

Mr. *Stanley* said, that he had never heard of any decision with greater surprise than of the decision to which the hon. and learned Gentleman had referred. So completely at variance was it, not only with the opinion of every other legal man upon the subject but with the very letter of the Act itself, that, for the purpose of admitting these non-resident freemen to the right of voting, the Judge who made this decision was obliged to strike out the word "resident" from the certificate which they had, according to the provisions of the Act, to receive from the revising Barrister. The Judge took upon himself, as he (Mr. Stanley) thought, in the most unwarrantable manner, to strike out the word "resident," in order to admit those whom, by the use of such a word, it was obviously intended to exclude from the right of voting.

Mr. *O'Connell* said, that the consequence was, that 200 such voters had voted at the last Cork election.

Colonel *Davies* said, that such a Judge should be impeached.

Mr. *O'Connell* said, that the learned Judge in question was a most excellent individual, and one that had given his decision in this instance, as he had in

all others, upon the most conscientious grounds.

The *Attorney General* did not think there was any necessity for the declaratory Act called for by the hon. member for Montgomeryshire. That House was not in the habit of interpreting or of executing the laws. Besides, as cases respecting contested elections were now pending, it would be most unconstitutional upon the part of the House to express an opinion, or to come to a decision, the result of which might be to prejudice some of those cases. A declaratory Act, such as the right hon. Gentleman wanted, would have the unjust effect of an *ex post facto* law.

Mr. C. W. Wynn said, that nothing, he was well aware, would be more unconstitutional than for the House to interfere in the decisions of matters already pending. But when the Legislature passed an Act that carried on the face of it ambiguity—an ambiguity which it was the business of the law officers of the Crown to have avoided—it was the custom of the House in its best days to pass an explanatory Act to remedy that ambiguity. That was all that he now asked the noble Lord to do.

The usual Resolutions respecting Election Committees, Petitions, &c., agreed to.

BRIBERY AT ELECTIONS.] Lord John Russell said, that he now rose to move a Resolution which he had proposed in the last House of Commons, which that House of Commons had adopted, and which therefore was one of which he might fairly say notice had been given to the electors of the United Kingdom. The resolution which he should have to propose referred to bribery and corruption of a particular kind that was employed for the purpose of carrying elections. According to the resolutions which the House had hitherto adopted as its Standing Orders on this subject, the return of a Member could only be questioned fourteen days after the assembling of Parliament, or after his return, if the House were then sitting; and it was consequently the practice of persons who made use of bribery to secure their elections, not to make any payments till that period was passed, thereby avoiding the penalties that were attached to such conduct. With a view, therefore, of counteracting such an evil, he had three or four years ago brought forward certain resolutions, upon

which the right hon. member for Montgomeryshire proposed and carried as an amendment a resolution similar to that which he now meant to propose for the adoption of the House. He did not mean to say that that resolution would afford in itself a sufficient check to that practice of bribery which it was intended to meet; he trusted, however, that that practice would experience a considerable check from the honest manner in which the Committees appointed under the Grenville Act would do their duty. The noble Lord concluded by moving the following Resolutions:—"That all persons who question any future return of Members to serve in Parliament upon any allegation of bribery or corruption, and who shall in their petition specifically allege any payment of money or other reward to have been made by any Member or on his account, or with his privity since the time of such return, in pursuance of, or in furtherance of, such bribery and corruption, may question the same at any time within twenty-eight days from the time of such payment; or if this House be not sitting at the expiration of the said twenty-eight days, then within fourteen days after the day when the House shall next meet."

The noble Lord's Resolution having been put,

Mr. Rigby Wason expressed his opinion that it did not go sufficiently far to be effectual; and moved the following amendment:—"That when a Petition against the return of any Member shall contain an allegation that such return has been effected by bribery and corruption, it is the duty of the Select Committee appointed to try the merits of such petition, to receive the evidence which may be offered in support of such allegation, without requiring the petitioners to prove that such bribery or corruption was practised by the sitting Member or his agents."

Mr. Warburton observed that he feared Members of Parliament who were perfectly innocent might be subjected to annoyance, and perhaps expense, if the Amendment were agreed to. Bribes might be given without the knowledge of the Member; and, if a case of bribery were made out, the Member might be unseated, and the object of the honest voters might be defeated.

Mr. Rigby Wason contended that the Member who had been guilty of no bribery

could not, by the operation of the Amendment, be subjected to any penalty, nor could the object of honest voters be defeated. A petition, which failed to implicate the Member or any of his agents, would naturally be treated by a Committee of that House as frivolous and vexatious. The great object was to facilitate the proof of agency. It was as notorious as the sun at noon day that the practice was, for a man who wished to bribe in any particular place, to send down some stranger, who was unknown, and who could not be sworn to, or identified as the accredited agent of the candidate.

Mr. O'Connell suggested that it would be well to suffer the present Resolution to pass without opposition. The hon. member for Ipswich would have another and a better opportunity for submitting his Amendment to the consideration of the House, by adding something hereafter to the Resolution, which might meet his view. He agreed with that hon. Member in his observations respecting agency, and remarked that the difficulty was increased by the operation of that maxim of law which prevented a man from being obliged to answer any question which might have the effect of criminating himself—a maxim which, in his mind, ought to be brought into use very charily in all civil cases, and in election cases, ought to be abolished altogether. A Committee of that House ought to have the power of searching into every fact, and no witness should be allowed to shelter himself under a protection of this kind. He had himself several amendments to propose—one was about the interference of Peers, a second about bribery by unsuccessful candidates; for here arose many cases, that ought to be rigorously inquired into. He intended to propose a resolution for a Standing Committee, to take questions of bribery into consideration. Meantime he wished to have this Resolution passed and printed, that he might have an opportunity of framing his amendments.

Mr. C. W. Wynn was of opinion, that the Amendment proposed by the hon. member for Ipswich, would open the door to abuse and injustice. He could easily imagine a case of bribery committed, not by an enemy, but by an indiscreet friend, without the knowledge of the Member. The hon. Member said, it was not likely that an act of bribery would be committed by

an opponent for the purpose of unseating a Member; because the Committee would report the petition to be frivolous and vexatious. But a Committee could not make a report of that nature, if the payment of money had actually been made since the return of the writ. He agreed with the noble member for Devonshire, that the greatest difficulty which an Election Committee experienced was, in getting a proof of the bribery. If any measure should be proposed for facilitating the obtaining this evidence, consistently with justice, he would readily support it; but, at the same time, he must say, that it would be extremely unjust, to make an individual responsible for acts of which he had no knowledge. It was well known that the well wishers of a candidate would frequently form themselves into Committees, for the purpose of procuring his election, without having any communication with him; and would it be contended that he should be made responsible for acts which any one of these individuals might commit without his knowledge? He thought that the House would act wisely in refusing to admit evidence of this description, except in cases where very general and notorious corruption had prevailed. In such a case the bribery would have been committed within the fourteen days; or if afterwards, it would not be difficult to prove the agency, any more than it was in the case of the borough of Wallingford, where the miller went round and paid the voters. It would be his anxious desire to support any propositions which would tend to render the law against bribery and corruption effectual. In reference to one of the points alluded to by the hon. and learned member for Dublin, he might observe that he once introduced a bill, by which it was proposed that any person examined before an Election Committee should *ipso facto* be indemnified against any penal consequences which might otherwise result from his evidence. Under all the circumstances, the hon. member for Ipswich had better follow the advice of the hon. and learned Member, and postpone his Amendment.

An Hon. Member complained, that when he petitioned, after an unsuccessful contest for Pontefract, he was not allowed to prove agency and bribery together, but compelled to endeavour to establish each separately. The law which the Com-

mittee then laid down in part held forth exactly this doctrine: take care when you bribe to have two agents—one to do all your legal business, to pay the Town-Clerk, to pay for the hustings, &c.; another who does no legal act, but bribes only; then you are quite safe, because the acts of that man, cannot be brought before the House. The difficulty with respect to the Amendment that seemed to strike the mind of some hon. Members was, that an enemy might chance to go down and bribe voters; but, in the first place, it was not likely that any man would venture upon such a course of proceeding, as he would render himself liable to fine and imprisonment; and, secondly, a sensible Committee, would be at once enabled to detect a case of this nature, and distinguish it from one in which the Member was really culpable. On these grounds he would support the Amendment.

Sir *Francis Burdett* said, that he was perfectly in accord with the hon. member for Ipswich, and the hon. Member who had spoken last, as to the insufficiency of the Resolution for the important object it had in view; but as the attention of the House was more immediately drawn to another subject of great moment, he trusted the hon. member for Ipswich would withdraw his Amendment for the present. It might be, at a more fitting time, taken into consideration, together with the hints thrown out by the hon. and learned member for Dublin. He had also himself to suggest that it might be expedient on the same occasion to consider the question of intimidation at elections. The great object of the English law on the subject was, that elections should be free; and he begged to throw out that it would become that House, to take the matter into their most serious consideration at this period. He would also suggest that, in addition to the hon. Member's Amendment, there might be a resolution passed to the effect that each Member of the House, on taking the oaths at the Table, should make a declaration that he had neither, by himself nor agents, been guilty of any bribery, nor was he aware that any money had been paid in bribes on his account; nor would he at any future time bribe by himself or others.

Mr. *Robinson* believed that, while there was such anxious competition for seats in Parliament, no resolution like the noble

Lord's or the hon. Gentleman's would have the effect of preventing bribery. There appeared to him only one mode by which the evil could be either prevented, or in any considerable degree mitigated. As they might compel the voter to take an oath that he had received no bribe, why not call upon the Member to make, not a declaration, but to take an oath that no act of bribery or corruption had been committed by himself or agents, or with his privity. He did not believe the noble Lord's resolution would furnish any remedy for the evil, but, however, he had no objection to vote for it. He only wished to know, if it were intended that the measure should be extended in its operation for the whole time of the existence of Parliament, or only for a definite period?

Lord *Althorp* observed, in reply, that if it could be proved that any Member had, in pursuance of a promise given before his election, paid money to a voter, no matter if it were five years after, in his opinion, that Member should forfeit his seat.

Mr. *Baldwin* thought, the only effectual mode of preventing bribery would be by establishing the ballot, and greatly extending the right of suffrage.

Lord *John Russell* wished the hon. Member to withdraw the Amendment. He considered that both it and the learned Gentleman's (Mr. O'Connell's) suggestions might be better discussed at a future time.

Amendment withdrawn, and the Resolution agreed to.

ADDRESS IN ANSWER TO THE KING'S SPEECH.] The Order of the Day read, for the resumption of the Debate on the Address.

Mr. *Edward Lytton Bulwer* said, he rose under feelings of some embarrassment, to express his opinions on certain parts of the proposed Address to his Majesty. He did not entirely agree with the Motion of the learned member for Dublin—a Motion for a Committee on the whole Speech did not sufficiently mark the difference between one part of that Speech and another; at the same time, he could not persuade himself to give unqualified approbation to the Address moved by the noble Lord. There might be points relating to the affairs of this country, which, he agreed with the hon. member for Knares-

borough, who spoke last night, in thinking it would have been desirable to have alluded to in the Speech from the Crown, such as the condition of the operative classes, and he must add, the long-delayed revision of the Poor-laws; but he knew that the questions that were alluded to, such as the Church Reform, and the Charters of the Bank and the East-India Company, pressed for immediate attention, and if adjusted to the satisfaction of the country, they would be no ordinary benefit to reap in one Session. He was contented, therefore, with those parts of his Majesty's Speech which related to England. As to foreign affairs, he concurred cheerfully in the correspondent parts of the Address. But when he came to that part of the Address which related to Ireland, he felt all his satisfaction counterbalanced by surprise and regret. In that part of his Majesty's Speech, he thought he heard the same ominous voice, which, in Lancashire, declared that Reform should be final in England, now declaring that abuse should be permanent in Ireland. What said the Speech? Mark the distinction; that, in England, "the public peace has been preserved—that in Ireland, the spirit of insubordination and violence has arisen to a fearful height." But why is there this difference? Why is there good order in England, where, two years ago, half the agricultural population was in arms? Because in England you have governed by conciliation and firmness. And why is there insubordination in Ireland? Because, in Ireland, you have governed by menaces and weakness. And how are you going to remedy this insubordination? By a repetition of the same causes—by a continuance of the same menaces and the same weakness. Sir, when the right hon. Gentleman, the Secretary for Ireland, attempted to turn aside the effect of the member for Dublin's illustration from history, by asking whether he meant to saddle the offences of Henry 8th upon the present Government, he perverted the obvious meaning of that hon. Member; what he meant was this—to prove that this policy of extraordinary powers, and additional coercion was nothing new—to prove that it had been tried for centuries, and found wanting—to prove that it had, against its feasibility, the experience of 700 years. And why is it that these extraordinary powers have not been practicable? And why is it that, with so much

violence, the laws have such little strength? Let the right hon. Secretary ask the hon. member for Leeds. He will tell him, as he told some Member in the last Parliament, why we could not put down the Birmingham Union, and why we could not put down the people themselves. "Because (he said) you cannot govern a gallant nation by the laws of the Quarter Sessions—because it is in vain, though you have law on your side, if you have the people against you—because there is only one power that makes the law strong, and that is, the consent, the public opinion, of the people, for whom the law is made." And is this the power for which the right hon. Secretary would apply? That would be indeed an extraordinary power for Ireland. No, he does not ask you for the power to propitiate opinion, but still more to revolt it. Sir, the right hon. Secretary confesses that he has already laws, sufficient to put down insurrectionary meetings of every description. What more does he require? He requires a law which shall make those laws suffice. And does not the right hon. Gentleman know that no law of itself will make law suffice; that to make law effectual there is but one mode; and that is, to make the people and not the police, co-operate cheerfully to carry it into effect? This is a principle that all statesmen, from the oldest times, have laid down. It was on this principle that a noble Lord in his Majesty's Government is presumed to have said, that in order to put down sedition, you must do—what? Put down the grievance. Why is this principle applicable to England, and not applicable also to Ireland? It was on this principle, too, that the hon. member for Leeds, whom I have already quoted, whom I shall quote again more literally, made use of these words on the third reading of the English Reform Bill:—"That discontent which the great body of the people think they have reason to entertain cannot be put down by penal restrictions. Measures of coercion and severity have failed former Governments—they failed Cromwell—they failed James 2nd against the Bishops, and Pitt against Horne Tooke—they failed Lord Castle-reagh—and they will fail every Government which shall attempt to smother the voice of the people of England, without redressing their grievances."* Sir, for

* Hansard (third series) xi. p. 462.

England read Ireland. Is not what is applicable to one people applicable to another? Where there are extraordinary grievances, the only extraordinary power you should ask for is that of immediate redress. "Oh, but" says the right hon. Gentleman, "do not expect that we shall not redress the grievances. We intend it." But when—how—in what degree—to what extent? The very words of the right hon. Gentleman have something fearful in them to the ear of Ireland. He speaks of delay; he tells us grievances cannot be redressed in a day; yet does he expect that crime, the result of those grievances, can be extinguished in a shorter time. Crime is harder to be put down than affliction. He believed the Irish Government, if it pursued this course of legislation, would soon have good cause to subscribe to the institutions alluded to by the member for Knaresborough—they would soon want, pretty generally, for all Ireland, the fever hospital, and the lunatic asylum for themselves. This House is to pledge itself, then, to most extraordinary powers of coercion, and to take the right hon. Gentleman's word, and to wait the right hon. Gentleman's time, for ordinary powers of redress. The right hon. Gentleman's word and time! He might take it who would have confidence in him; but would Ireland take it?—that is the question. He feared not. And why? What is the great grievance of Ireland? The Church Establishment. On what subject is the right hon. Gentleman supposed, both by Irishmen and Englishmen, to be most pledged? To that very Establishment! On two points they were all agreed, and he therefore should not dwell on them—first, that there were great grievances in Ireland; second, that the state of that country was most alarming. That there were grievances, he asked no further proof, than that there was no confidence in justice; that we have law without the co-operation of the people, and an ecclesiastical establishment against their religion. That the state of the country was most alarming, he asked no other proof, than that terror does not produce respect, nor punishment diminish crime. "For this last evil," continued the hon. Member—"the state of the country—what are the remedies? The right hon. Secretary tells us to enforce the law by bayonets: the Members for Ireland, with one voice, tell us to adapt the law to the

interest of the people. It is with this last opinion that I concur. I concur with it on the grounds of common sense—on the plainest principles of right legislation. I do more—I concur with it out of respect to the constituency of the right hon. Gentleman himself. For, in the last Parliament, on the question of Reform, what was the cry of the Tories? Force! And by what cry did the Whigs answer them? Redress! Could I believe my ears—have I not heard the right hon. Secretary, never usually at a loss for words or thoughts of his own, plagiarize from some former speech—from whom? Why, no less a person than the right hon. Baronet, the member for Tamworth! Does not the following sentence remind us of Toryism in its last cry? I quote his words—'To legislate for grievances in this state of things was not to call on them to legislate, but to crouch in submission.' How often have those very benches thrown back this very argument by the unanswerable reply, that the only disgrace in legislating in the midst of disturbance, is in the delay that allowed the disturbance to begin? Sir, there is one part of our Address which I dislike upon constitutional grounds, I do not like that part which pledges this House to support, without discussion—without inquiry—indissolubly to support the Legislative Union. I am against a Repeal of the Union—it would be worse for Ireland than England—it should be a last resort—it is the resort of necessity, not reason; but I am also against the principle of pledging a deliberative assembly to reject a great and solemn question without any previous deliberation. But I will waive that objection—at least I will not insist on it. I am against that part of the Address, which relates to Ireland for a more immediate reason. It pledges us to support the policy of the right hon. Secretary for Ireland. It is impossible for us not to feel, that with the great station—the high character—the commanding talents of that right hon. Gentleman—he must necessarily exercise a preponderating influence over the policy pursued in his own department. I object to that policy. I object to it on the experience of two years, during which the right hon. Gentleman, with all his talent—all his station—has done nothing for the peace of Ireland, and every thing for her danger—during which he has offended all parties

—incensed all sects—embroiled himself with the people—and stands now opposed to all the people's Representatives. I separate the right hon. Secretary from the rest of the Government. I support the Government, because it has pursued a policy of liberal concession; I oppose the right hon. the Irish Secretary, because he has pursued a policy of arbitrary power. I tell his Majesty's Ministers that that right hon. Member has lost them (perhaps by this Address, as the last stroke) the esteem of Ireland. He may do more—he may endanger their strength in this House. Can it be supposed that the independent Members—the 300 new Representatives allied to no old party—attached to the superstition of no Whig names—can, night after night, hear the facts delivered by the Members for Ireland—facts of grievance, answered by demands for soldiery, without dropping off in some defections from the Ministerial majority. If they are not convinced by a recurrence of such debates, the debates will be published, and their constituents will. I am sure that if the right hon. Secretary continues in his present office, England will soon participate in the discontents of Ireland. If we are to be a United Empire, we will not have separate interests—we will not have Reform for England, and constabulary force for Ireland. Did we not all feel how generously the Irish Members helped us in our Reform? Shall we repay them in our first Reformed Parliament by a donation of musketry or a Repeal of the Trial by Jury? Sir, I, for one, will not consent to this requital—I will not vote unqualified approbation to this Address—nor can I support the vote of unqualified disapprobation of the hon. member for Ireland. I trust there is a middle course left, and that my right hon. friend, the member for Lambeth, will, as I believe he intends, move an Amendment suited to the difficulties of the case—an Amendment which shall imply at least, that if redress is not to precede, it is yet to accompany, this grant of extraordinary power. I shall thus be enabled to give my vote—not in the spirit of hostility to the English Government, but in the spirit of suspicion against the Irish Government—a pledge of my sympathy with oppression wherever it exists, and a proof of my attachment to the Union itself—a Union only to be cemented by convincing Ireland

that we will adopt towards her the same legislative principles we have just carried into effect for ourselves.

Mr. Stanley said, that he was anxious to take the first opportunity which had been offered him of explaining an opinion which had been erroneously attributed to him. He never had stated, and never could state, that the Reform Bill was to be the “be-all and the end-all,” of all reform in the laws of the country. On the contrary, on the only occasion on which he made use of any expression which could by ingenuity or perversion be construed into such an absurdity, he stated that he conceived the Reform Bill to be the machinery by which other necessary reforms were to be carried into effect; that he considered the Reform Bill as Ministers had considered it when they introduced it, as being the machinery by which those reforms were to be worked.

At this period of the right hon. Gentleman's observations, there were loud cries of order, in consequence of some observation made by Mr. O'Connell. Mr. Stanley, who suddenly stopped, was loudly cheered. After a short pause.

Mr. Stanley said—“I thank the House for giving me time to remember that it is unnecessary to take any notice of the hon. Member.” The right hon. Gentleman then proceeded to say, that, upon the occasion referred to, he stated, as Ministers had stated in that House, that with respect to the constitution of the House of Commons, the Reform Bill was a complete and final measure; but that it was a measure by which he hoped that an honest government, supported by the cordial concurrence of the people, would effect such honest reforms and amendments of the law, as the country might think desirable and necessary for the welfare of the State. In that sense, and that only, did he and could he have ever said, that he hoped, or believed, that the Reform Bill would be a final measure.

Mr. O'Connell hoped that, as a measure of justice, the House would permit him, notwithstanding the language of the right hon. Secretary, to declare most distinctly and solemnly, that he had not the slightest idea, whilst he was answering the question which had been asked him by an hon. Member, that one word of what he said could reach the ear of the right hon. Secretary.

Mr. Tennyson felt persuaded that the explanation which had just been made by

the right hon. Secretary for Ireland had been received with great satisfaction by the House. He had read in the public journals what was stated to have fallen from the right hon. Gentleman, whilst addressing a large body of the people of England, and he certainly participated in the impression which was generally made by the language attributed to that right hon. Gentleman—that it was the intention of the Government to oppose any measures for improving the Act of last Session for reforming the Parliament. That was the interpretation which he put upon the language, which, it now appeared, had been erroneously attributed to the right hon. Gentleman. He trusted that they did not now misunderstand the right hon. Gentleman in the explanation which he had made. When he stated that the Reform Bill was only the machinery by which other amendments might be made in the law, he did not surely mean that no other amendment was to be made in the Reform Act itself. He (Mr. Tennyson) thought, in common with the great body of the people of England, that other amendments consequent upon that measure were required—namely, the ballot, and the shortening of the duration of Parliaments. He trusted that he might now collect from the explanation of the right hon. Gentleman, that the Government did not mean to insist that the measure of Reform should be final, with the view of preventing the House from proceeding to effect the amendments which they thought necessary.

Mr. Stanley: The right hon. Gentleman has quite mistaken me.

Mr. Tennyson professed that he could not understand the right hon. Gentleman's explanation, if it had not the meaning which he ascribed to it. If it had not that meaning, it was nothing, and it would have been better if the right hon. Gentleman had not alluded to the question. He would, however, now proceed to the subject more immediately under the consideration of the House. He felt as much gratitude to his Majesty for the great measure of Reform as any man could entertain, but he could not permit his feelings on that subject to compromise the duty which he was called upon to perform as the Representative of an immense constituency—as a Representative of the people of England—and he would add, also, as a Representative of the people of Ireland. He trusted that he should ever

be found ready to perform his duty to the people of Ireland as anxiously and with as much devotion as he would discharge his duty to his own countrymen. He would say nothing on the questions of foreign policy, which had been very properly touched upon in the Speech from the Throne, but would proceed at once to that part of the Speech which alluded to a reformation in the Church of England. He felt grateful to the Government for having undertaken that great task, one which could with the utmost safety be intrusted to their hands; and he felt persuaded that his general confidence in the Government would not experience any shock or disappointment upon this occasion; but, that by the reformation which they would effect in the Church, the Establishment would be made subservient to the spiritual wants of the people. He observed in his Majesty's Speech one or two words with reference to this subject, which particularly attracted his attention. His Majesty said:—"Your attention will also be directed to the state of the Church, more particularly as regards its temporalities, and the maintenance of the clergy." Was he to understand that Ministers contemplated any measures of reform with respect to the internal affairs of the Church—such, for instance, as the articles of the Church of England? Although he was a churchman, and anxious to support the Established Church, and therefore to reform it, he thought the established religion in any country ought to be the religion of the majority. He believed that the established religion in this country was that of just about the majority, and no more. It appeared to him desirable to extend the pale of the Church, if possible, in order to bring within it a larger community of Christians. It was well known that the articles of the Church of England contained contradictions, which inflicted wounds upon the consciences of a great number of persons, even ministers of the Church itself. He had considered it advisable to avail himself of the first opportunity which offered of directing the attention of Ministers to this subject, with the view of inducing them to consider whether it was not possible to expurgate the articles of the Church, so as to induce a greater number of persons to enter into communion with it. He would now pass to the Church of Ireland; and, in the reference which was made to that subject in his Majesty's

Speech, he was glad to perceive an indication of liberal views on the part of the Government. The Speech said, that the Irish Church might require a separate consideration from that of England. Applying to the Irish Church the principles which he had applied to that of England, he must say, that it would be preposterous to declare, in a conquered country, that the religion of the minority should be the religion of the State; but how much more so was it in a country connected with us as Ireland was, and where seven-eighths of the population were of a different persuasion from the established religion? He would not dwell upon the subject, but dismiss it with observing, that if some great change were not made with respect to the Church of Ireland, that country would not long remain as it was. He now came to the topic which had occupied so much of the attention of the House—namely, the disturbances in Ireland. On comparing the language of the Speech from the Throne upon this subject with that contained in the Address which had been moved, he was surprised to perceive a word or two introduced into the latter which were not to be found in the former. Now, he thought that Ministers would do well not to require the House to do more than merely re-echo the sentiment expressed in the Speech from the Throne. The Speech stated that disturbances prevailed in Ireland in conjunction with a spirit of insubordination and violence. Why could not the Address echo those terms? Instead of which, however, in consequence, he supposed, of some oversight in the Gentlemen who prepared it, the Address described the disturbances in Ireland to be the result of a spirit of insubordination. Upon this part of the Address it was his intention to move a slight amendment. He concurred in the blame which the hon. member for Lincoln (Mr. Bulwer), in his able and eloquent speech, had cast upon that part of the Speech from the Throne which called upon the Parliament to arm the Government with additional powers. Why had not they at the same time been directed to probe the evils under which Ireland was labouring? One small word to that effect might have been employed to soothe a distracted people. It was true that the noble Lord, the Chancellor of the Exchequer, had in his simple and straightforward manner told them that it was the intention of the Government forthwith to apply

remedies to the grievances of Ireland; but were the Representatives of the people at once, without further information—without any papers having been laid upon the Table in the proper parliamentary course—without, in short, any information whatever, except such as they derived from the newspapers, or from Members of that House, on their individual authority, to grant extraordinary and important powers to Ministers? They were told that those who might vote for the Address would not thereby be pledged to give their concurrence to the Acts of Parliament which would be brought in. Let them, in a Reformed House of Commons, have done with such ridiculous forms. Let them not send up a mock Address in answer to the Speech from the Throne. It was time that they introduced something like reason into their proceedings, and let them begin here. He apprehended that a portion of the disturbances which prevailed in Ireland was to be attributed to the news of those to whom the immediate administration of Irish affairs was intrusted. It was with regret he felt himself compelled to state, that although he entertained no doubt of the good intentions of Ministers, their conduct in pressing the House to agree to the Address could not obtain his approbation. He, however, could not resolve to support the Amendment of the learned member for Dublin, because he thought it might involve the House in great discussions and some difficulties. He would conclude by proposing an Amendment, which he persuaded himself would obtain the objects contemplated by the learned member for Dublin, while it would be more likely to receive the support of many who might refuse to go the lengths of that learned Member. They ought to agree to no Address, unaccompanied by a distinct declaration on the part of the House, that they would immediately enter into a strict investigation of the causes of Irish grievances and, with that conviction strong upon his mind, he felt that it was his duty to announce, that, at the proper time, instead of the concluding paragraph in the Address, which was this—“To assure his Majesty that his confidence, in resorting to the loyalty and patriotism of that House for assistance in these afflicting circumstances will not be disappointed, and that we shall be ready to adopt such measures of salutary precaution, and to intrust to his Majesty such

additional powers as may be found necessary for controlling and punishing the disturbers of the public peace, and for preserving and strengthening the Legislative Union between the two countries, which, under the blessing of Divine Providence, we are determined to support his Majesty in maintaining, as indissolubly connected with the peace, security, and welfare of his Majesty's dominions"—that he should propose, as an Amendment, that all the words after the word "precaution" be omitted, for the purpose of substituting the following words: "as may be found necessary; but if under the circumstances which may be disclosed to us, we should be induced to intrust his Majesty with additional powers, we shall feel it our duty to accompany that acquiescence in his Majesty's wishes by a close and diligent investigation into the causes of discontent in Ireland, with a view to the application of prompt and effectual remedies; and that although it is our duty to receive the petitions of the people of Ireland, with regard to the Legislative Union between the two countries, and to leave ourselves free to consider that subject, yet we are ready to support his Majesty in maintaining that Union against all lawless attempts to defeat it, or to invade the peace, security, and welfare of his Majesty's dominions." He agreed with the hon. member for Lincoln (Mr. E. L. Bulwer) as to the expediency, as well as constitutional justice, of their not pledging themselves against the measure of a Repeal of the Union in the total absence of a discussion of its merits, and without a previous calm examination of the grounds of the complaints of the people of Ireland on which it was founded. Before they repudiated the project of a Repeal, they should examine the petitions of the Irish people. He, for one, refused to make any pledges to his constituents, on the constitutional ground, that before he made up his mind to vote for or against any measure, he was bound to hear the statements of his colleagues, the Representatives of the people. The Repeal question, he repeated should not be sneered down till it had obtained a full and fair discussion. He was sorry to say that such was not the case, and that the present occupants of the Treasury-bench had merged their character of Representatives of the people in that of Ministers of the Crown. He, however, was not one of them, and was determined

to do his duty as a Representative of the people. If an Amendment to the Address such as he had proposed were agreed to, he should then have no objection to assent to any measures that might be necessary for enabling his Majesty's Government to preserve the peace and good order of society.

Mr. Macaulay said, that last night he had formed the intention of not taking part in the present debate; but circumstances which had this evening arisen determined him to adopt an opposite course, and to say a few words in reply to the attack which had been made upon him by his hon. friend, the member for Lincoln; at the same time that he felt that he should quite as well discharge the duty which he owed to himself, and much better consult what was due to the House, by postponing the defence of his own personal consistency until after he had more directly addressed himself to the question which mainly occupied the attention of the House. His hon. friend, so ingenious in the construction of an argument, and so successful in making a point, was sometimes not always aware of the effect of the words which he used. His hon. friend told the House that the Government proposed coercion, while the hon. and learned member for Dublin recommended redress. When called upon to choose between both, the hon. member for Lincoln declared that he could not hesitate; but he was sure that, upon reflection, his hon. friend would see that he and the hon. and learned member for Dublin did not attach the same meaning to the words which the one was the first to use, and that the other had but too readily adopted. The hon. and learned member for Dublin meant Repeal of the Union—to that his hon. friend was averse. When they were told that the question of the Union of Ireland was not to be sneered down till after the most complete investigation, till after the fullest inquiry, and after the gravest debate, he could not help putting the question, whose fault was it that they had no full and formal debate upon the subject? Why was it that the question had not been fully agitated? Had not his Majesty's Government given the challenge, and was it not fully in the recollection of the House, that the hon. and learned member for Dublin had addressed them for two or three hours—he forgot how long, for no one could consider the time long while

that Gentleman continued speaking; but had he not spoken for two or three hours, without opening the question of the Union in a manner that could be grappled with, or indeed fairly encountered at all. This was the more remarkable, as that hon. and learned Member had last night placed fourteen notices on the book, and not one of them related to the subject of the Legislative Union between Great Britain and Ireland. The hon. and learned Member had permitted judgment to go against him by default. Hon. Members at that side of the House (the Ministerial) had called upon the hon. and learned Member to proceed, but he had declined the invitation—he shrunk back—he skulked away from the opportunity of giving effect in that House to the doctrines which he had promulgated elsewhere with so much vehemence, and accompanied with so much of personal invective and oburgation. If ever there was an occasion which naturally led to a discussion of the question of Repeal, it was the Amendment moved by the hon. and learned Member; but he had not only then neglected to take advantage of the opportunity offered to him, but instead of making any approach towards joining issue upon it, he had delivered one of the most evasive speeches that had ever been uttered within the walls of Parliament. From the beginning to the end he had most carefully and studiously avoided meeting the question of Repeal. He should be the last man in the world to deny that that speech was very able and eloquent, but though the most ample opportunity had been afforded the hon. and learned Member by the occasion which then presented itself, to press upon the attention of the House the question of Repeal; yet he had cautiously abstained from improving that opportunity, and had not accepted the challenge of those who stood strong in their defence of the Legislative Union, the Repeal of which was supposed by the hon. and learned member for Dublin to be the panacea for all the evils with which Ireland was afflicted. It was not for lack of argument that Ministers did not discuss the Question. They were strong in irresistible arguments, and feared not on any occasion to meet the advocates of Repeal. They were told, indeed, to wait till they had examined the petitions of the Irish people; but no Gentleman who took an interest in the affairs of the country had

neglected already to make himself master of it in all its bearings. He was prepared to discuss the question of Repeal inch by inch, and to show, that so far from being likely to remedy the social and political grievances of Ireland, it would have the effect of aggravating every one of the causes of discontent at present in operation. If the advocates of Repeal wished to separate the Crowns of England and Ireland—if they desired to establish an Hibernian Republic, their arguments might be considered rational and consistent; but the hon. and learned Gentleman required a separation of the Legislatures of the two countries, and the identity of their Crowns. The hon. and learned Member required two independent Legislatures (for if the Legislatures were not independent, the separation was a mockery), and one Executive. Could it be then that a mind so acute and informed as his, could be unconscious that such conclusions were opposed to the first principles of the science of Government? When a Union of the Crowns was spoken of, he took it for granted that no such Union was meant as that which subsisted between Great Britain and Hanover, in which the Crown appertained to the same Royal Personage, but in which the Ministers by whom the Executive authority was actually exercised were perfectly distinct: a Union of that sort, so far as he knew, had never been advocated; and he entertained not the slightest doubt, that could such a Union ever be called into existence, the first question asked would be, what was the use of continuing it—what purpose could it serve to either country? Let the House only contemplate for a moment what was the nature of the Union subsisting between this country and Hanover. Hanover was a member of the Germanic Diet, and might send its contingency to the aid of a war carried on against the Allies of England, or against England herself. Did they contemplate any Union of that sort for Ireland with this country? If they did, let them say so at once—let them declare candidly, did they, or did they not, desire two Legislatures and one Executive, connected as England and Hanover were, for he professed himself unable to understand, and he felt assured, from the nature of the proposition, that no man in his senses could imagine that he understood any other scheme by which the business of Government in both countries could be

carried on with the Legislatures separated and the Crown united. But the hon. and learned Member said, that he thought it would be a great calamity if the two countries were to be separated, and were not to have the same King, meaning obviously, the same Executive Government. The hon. and learned Gentleman then meant simply by the Repeal of the Union, two independent Legislatures under one Executive. Was such a state of things possible? If the Executive Power were really quite distinct from the Legislative Power, they might easily have two Legislatures under one Executive just as they had two Chancellors, and two Courts of King's Bench. But be the theory of the Constitution what it might, no man acquainted with the working of that Constitution, could for a moment imagine a total separation of the Legislative from the Executive? It would be a political anomaly, or rather a political impossibility. For himself he was disposed to rest the question upon this issue.—Had or had not the Legislature a most powerful influence upon the Executive? Could the Crown pursue war, or conclude peace, without the consent, and sanction, and support of the Legislature. War, peace, and all the functions of the Executive, were, in some degree, dependent upon the Legislature, and the Legislature exerted a considerable share of power in every part of the duties assigned to the Executive. The King might choose his own Ministers; but he could not maintain them in office after Parliament had become hostile to them. The conduct of negotiations was intrusted to the Monarch, he appointed Ambassadors; but the King could not pursue any line of foreign policy in opposition to the views and feelings of the Parliament. The Repealers might, therefore, be refuted out of their own mouths: They said, that the Executive Power ought to be one; but the Legislature had a share of Executive Power. Therefore, by the confession of the Repealers themselves the Legislature ought to be one. Now the futility of such an opinion could be at once exposed by a most simple, obvious, and familiar illustration. Suppose the one Legislature voted an Address in favour of peace, and the other declared for war, what would ensue? Did they suppose that there were to be at all foreign states with which we maintained diplomatic relations two Ambassadors—one for

England and the other for Ireland? And yet it was impossible to avoid arriving at that conclusion if a distinction were established between the Legislative, and therefore of necessity, between the Executive powers of the two countries. And what would be the next step? Negotiations might be carried on with foreign states, and the Legislature of this country express the highest approbation of the manner in which they might have been conducted—might declare its confidence in, and offer its thanks to the diplomatic agent employed; while the Legislature of the other State might resolve upon his impeachment. Not ten—not five years would elapse before occasions must present themselves, out of which causes of irreconcilable dispute must arise. Not one year could the two countries exist under the same Imperial Executive. The supposition was monstrous and absurd, and all history showed that the plan would be utterly impracticable. It had been supposed that parallel cases should be referred to; but when those came to be examined, it would, in every instance, be seen, that a similarity of circumstances did not prevail; and that where they did, the case but strengthened the position for which he was contending. Take the case of Ireland herself during the short period in which she possessed an independent Parliament. It was only during eighteen years that there did exist in the British empire two independent and co-equal Legislatures; and though the circumstances under which they so existed rendered collision exceedingly difficult—for during the whole of that period, as was well known to all who heard him, the Irish Houses were managed by that Parliamentary corruption which no one could desire to see renewed, and the Irish people were overawed by a large military force—yet, for all that, so filled was the system with the seeds of disunion, that six years did not elapse from the declaration of independence till occasion for a difference of opinion arose. In the year 1788, George 3rd was incapacitated by illness from the exercise of the powers appertaining to the Kingly office, and according to the Constitution, the privilege devolved upon Parliament of making provision for the discharge of those high and important functions. What occurred? The Parliament of England offered the Regency to the Prince of Wales with extensive re-

strictions—the Parliament of Ireland offered him the same powers without any restrictions whatever. Surely if they possessed the right and the power to make such offer respecting the conditions upon which the Royal functions were to be exercised, they possessed as fully and could as freely exercise the privilege of selecting the individual to whom the appointment might be offered, and with quite as strong a claim of right constitute the Duke of York Regent, as extend the powers of the office when vested in the Prince of Wales. They might have chosen their own Regent, and might have invested him with such powers as they thought proper; and had George 3rd continued for the remainder of his life incapable of the duties of Monarch, England and Ireland would have been for thirty-two years with a divided Executive, without departing one iota from the principles of the Constitution. This would have been the unavoidable consequence; yet it was loudly deprecated in the very same breath which sent forth a warm recommendation to call into life and activity the causes from which that consequence must necessarily flow. Were he to pursue the argument further, he could occupy the attention of the House with nothing more than reciting such a series of monstrous results, as certainly never before ensued, and which were probably never yet contemplated in reference to any public measure. Not only was all argument opposed to it *a priori*, but all history would show the scheme to be founded upon a gross and pernicious fallacy. They might have again a legislature in Dublin and in London as they had before 1782, but all that the former would have to do, would be to obey the decrees of the latter under a mock form of independence. He admitted that some cases bore the appearances of divided legislatures and united Crowns, but those appearances were to the utmost degree deceptive, and the more closely they were examined the more clearly did that character develop itself. Such was the case, for example, in the co-existent parliaments of France, Burgundy, and Brittany; and, equally so, in those mockeries of the name of Parliament with which the House of Austria still amused the people of Hungary and the Tyrol. In all these cases there was no such thing as an independent legislature; all the power lay in the hands of the Crown; the Parliament was a mere

pageant—a mockery—or means of riveting the fetters of the conquered. In fact, if history had one lesson which stood out more emphatically than another,—it was that which, indeed, reason would strike out for itself, the impossibility of two independent legislatures co-existing under the same executive head. It was not easy to get at the precise plan of Repeal contemplated by the learned Member for Dublin. He had not himself developed it, and it was only to be guessed at by some partial revelations. Among a number of statements of the learned Gentleman on this head, which he had read in the public Journals, the most precise plan was one proposing a kind of federal union of a local legislature sitting in Dublin, with an imperial legislature in London. But did the learned Gentleman deceive himself so much as to suppose, that by this plan he evaded the difficulties of two independent legislatures? Supposing, as in the latter case, that there should spring up some difference of opinion or conduct between the two legislatures—the domestic and the imperial—who was to decide between them? Where was the paramount authority to declare, “you are right,” and “you are wrong; you therefore must yield, &c.,” for on the supposition of the learned Gentleman, they were both to be independent and supreme. A dispute between the House of Commons and the House of Lords was bad enough: yet in that case the Crown possessed a constitutional power, which in practice had prevented collisions between the hereditary and the representative branches of the Legislature; it could dissolve the one,—it could add to the numbers of the other. They all knew that both expedients were had recourse to in the reign of Anne, in 1704 and 1712; in the one instance (the Aylesbury affair) the Queen dissolved the House of Commons; in the other (the question of the peace of Utrecht) she created a number of Peers. But who was to arbitrate between two independent Legislatures elected by two different nations. The federal union of a domestic and an imperial legislature, did not meet the difficulty which, indeed, the greatest federal republic in the world was at this moment exhibiting on a large scale. That republic—the most famed in the world agreed to its present constitution in a great convention, over which the genius of Washington presided and in

which the most able statesmen of the day assisted. At that memorable convention, the different states of which the republic was composed agreed to a form of union, similar to that contemplated by the hon. and learned Gentleman; and yet, after more than half a century's trial, the constitution of the United States had found no other arbiter between a local and an imperial legislature, but physical force. The hon. and learned gentleman's plan for separating the legislatures of the two countries, and at the same time continuing the union of the Crowns, was, therefore, worse than a complete and total separation—that complete and total separation which the hon. and learned Gentleman said he should regard as a calamity; but which would be no calamity compared with that which he proposed to put upon us. If, on a fair trial, it were found that the two countries could not be made to co-exist in the same empire—could not be made harmoniously to combine in one course of mutual support and prosperity—in God's name let them be wholly separated. He did not wish to see them, like those strange twin beings lately exhibited in this city, connected by an unnatural tie, which made each the plague of the existence of the other—each in the other's way; more slow of motion, because they had more legs; more helpless, because they had more hands; partaking of no common aliment, sympathizing only in disease and helplessness, and each being perpetually subject to perish by the dissolution of the other. And, now, in what character was it that the hon. and learned Gentleman came forward? He said that he appeared as the last advocate of his own country—as the man who stood between the empire and civil war. But if they admitted that the Repeal of the Union was to save us from this calamity, what argument had the hon. and learned Member advanced in favour of that proposition? He had recounted many grievances; and he was not the man to speak lightly of those grievances—they were, undoubtedly, numerous, extensive, and of long standing; but when he heard the hon. and learned Gentleman go through that melancholy list of evils, many of which, unquestionably, required a speedy remedy—a remedy which he trusted soon to see applied—at least so far as any remedy might be within the gift of the Legislature), when he heard the hon. and learned gentleman go through that

melancholy list, he detected one alone which, as it seemed to him, the Repeal of the Union could, even in the hon. and learned Gentleman's own opinion, tend to remove. What was the nature of the evils to which the hon. and learned Gentleman alluded—were they such as did not exist previous to the Union? Certainly not; and he had yet to learn that the Repeal of the Union would be a remedy for grievances which existed long before that Union took place, and which grievances, he would confidently venture to add, a Repeal of that Union would but aggravate. The learned Gentleman, in his *post hoc* and *propter hoc* distinctions, seemed to reverse the well-known logic of the Godwin Sands *versus* Tenterden Steeple. The steeple was the cause of the sands, said the rustic logicians, because it existed before they encroached upon the coast; but the learned Gentleman reversed the reasoning, and said, because the Union took place long after the existence of certain grievances, therefore it must be the cause of them. Some of the grievances which he thus ascribed to the Act of Union were not peculiar to Ireland, or to any form of government. For what did they reform the House of Commons? Was it not on the same grounds upon which the hon. and learned Member now came forward and asked for a Repeal of the Union? Was not the removal of many of them—undeserving sinecurists, political judges, corrupt magistrates, for example—one of the great objects of the Reform Bill? Surely, the removal of the remaining Irish grievances did not in all fairness, require a domestic legislature in Ireland. Besides, see to what the argument tended: if local abuses in Ireland required a local legislature to remedy them, why should not every other part of the empire, also complaining of grievances, be allowed its domestic legislature? They all remembered what complaints were made a few years since with respect to the Welsh Judges; but did anybody, therefore, dream that Wales should be separated from England, and that it should have a domestic legislature of its own? In the same way he never heard it said that a domestic legislature should be established in Cornwall because there were several local grievances in that county which required a remedy. Nay, to come nearer his political home—Leeds—he could assure the House, that a large majority

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of his constituents complained loudly, of the grievances imposed upon them by its corporation; but not a hint had been thrown out that the best remedy would be the establishing a nice federal independent domestic legislature in the West Riding of Yorkshire. And yet, if the learned Gentleman's project were good for anything, it must be capable of being applied to Wales, and Cornwall, and Yorkshire, and every county in England, as well as to Ireland. He would go further (perhaps the learned Gentleman would say much further), and maintain that the clearest ground which could be guessed at, as the basis of his repeal scheme, would apply *à fortiori* to a separation of the legislatures of the north and the south of Ireland. If a rooted difference of religion, and the existence of the worst consequences of that difference would justify the separation of the English and Irish legislatures, the same difference, and, still more, the same baleful consequences, would warrant the separation of Protestant Ulster from Catholic Munster. If, as the learned gentleman had often declared, it was impossible for a Catholic prosecutor or prosecuted to obtain even the semblance of justice from an Orange jurymen, and that such a state of things would be a justification of a Repeal of the Legislative Union between England and Ireland (though the fact was notorious that no such conduct would, under any circumstances, be manifested towards any British subject in England), why then the same reasoning, that only a domestic legislature could remedy a domestic grievance, would in a tenfold degree apply in favour of one domestic legislature in Dublin, and another in Derry, or some other large town in the north of Ireland. All the arguments which the hon. and learned Gentleman had advanced in favour of his favourite scheme of Repeal seemed invalid. In making these observations, he had, in a great measure, vindicated himself from the charge of inconsistency brought against him by his hon. friend, the member for Lincoln. It was very easy for hon. Gentlemen to come forward with a speech made by another, upon the Reform Bill, to read a few sentences from it, and to say: "this binds you to support a Repeal of the Union." It was hardly fair to take such a course, because, every expression uttered in the House ought to be construed only in reference to the occasion

upon which it had been used. No man knew better than a practised writer like the hon. member for Lincoln, that the whole force or wisdom of words depended on their application; that nothing was easier than to write a theory on either side of a subject, either all panegyric or all vituperation; and that the wisdom or folly of the theory depended solely on its application. For example, were he to defend Thistlewood in the tone and language which he should, or at least ought to employ, if he were the advocate of a Lord William Russell, or an Algernon Sydney, it would be plain that he should be employing words, to say the least, inappositely. The whole test of the propriety is the application—the appositeness of the expressions at the time; and by these considerations he ought, in fairness, to have been judged by his hon. friend, the member for Lincoln. He believed the Reform Bill to be a remedy which might be easily applied for the removal of the greater portion of the evils complained of by the hon. and learned member for Dublin. He believed that the project for the Repeal of the Union was a mere delusion; nay more, he believed that, in the manner in which it was proposed, it was an impossibility. He believed also that if it were practicable, there was no part of the empire to which it would be so fatally ruinous as to Ireland itself. The expressions which he used on the occasion alluded to by the hon. member for Lincoln, and which he did not shrink from, imputed much, perhaps nine-tenths, of the grievances and ills which afflicted the country previous to the passing of the Reform Bill, to the misgovernment consequent upon a withholding of that beneficial measure. But it should be recollected, in applying his language to the case of Ireland, that he did not, therefore, argue that the breaches of the law to which these consequences of misgovernment led, should go unpunished. When he said that in his mind the burnings and destruction of agricultural produce, which disgraced so many portions of England, were mainly owing to the then Ministers turning a deaf ear to the people's cry for Reform, he did not at the same time contend, that the incendiaries and the lawless disturbers of social order should not be hanged or otherwise punished. Then, though he earnestly deplored the probable results of rejecting the Reform

Bill, he did not assert that the outrages and excesses committed under the name of that rejection should pass with impunity—that for the Bristol rioters, for example, the sword of justice should not be unsheathed—but he would defend the consistency of his language, on that and the present occasion out of the mouth of the learned member for Dublin himself. That learned Gentleman told the House yesterday, that the coercers might goad by their harsh policy, some of the least prudent, least thinking multitude, into a general war against property and order, but that then he should be found in the ranks of the Executive in resisting the outrages, and punishing the guilty. The learned Gentleman, it was true, said that he would thus join the ranks of the Government as the lesser of two great evils—that while he aided it, he would abuse and execrate it as the parent source of all the mischief but still he would be found in its ranks. If, therefore, the learned Gentleman did not deem himself inconsistent, when aiding in the case he put to check the lawless consequences of grievances which he called upon the House to remedy, he was at least as little obnoxious to a similar charge by his hon. friend, the member for Lincoln. The hon. Gentleman and he agreed in ascribing to misgovernment the real parentage of the grievances which had led, or might lead, to acts inconsistent with social order; and both of them agreed, that while the grievances should be remedied, the violation of the law should be punished. The only difference between them was one of time—that was, when the law should be enforced against its transgressors. He agreed with the learned Gentleman, that Ireland presented many grievances which demanded a remedy from the Legislature. He, for one, would do his best to redress those grievances. He would go further, and declare he would not belong, for a moment, to any Government to which that redress should be a matter of unnecessary delay. But because he was thus ready to redress the grievances of Ireland, was he, in the mean time, to see the law outraged—nay, despised, by a furious and misguided multitude? Talk of the distribution of Church property in a country in which no property was respected, and were they to be told that, to enforce the law against the robber, and the murderer, and the incen-

diary, was to drive an injured people into civil war? Did they who talked thus wildly recollect the present deplorable state of Ireland? Did they recollect that, in one county alone, according to the authority of the right hon. Secretary for Ireland, not less than sixty murders, or attempts at murder, had been perpetrated in comparatively a few weeks, and not less than 600 burglaries, or attempts at burglary? Why this was far worse than civil war. A loss of life and property equal to the sacking of three or four towns. Civil war, indeed! he declared solemnly that he would rather live in the midst of any civil wars he had ever read of, than live in some parts of Ireland at this time. Much rather would he have lived on the line of the Pretender's march, at Carlisle or at Preston, than now live in some of the districts of Ireland in which burglary and murder were the nightly occupations. In point of fact, to threaten civil war was only to threaten that which was now suffered, for Ireland was in a state of civil war. And yet, to endeavour to put an end to such a disgraceful scene of anarchy and strife was, forsooth, "brutally" to coerce Ireland. He repeated that the civil war had long since begun, and, if not checked, must end in the ruin of the empire. In the course of the remarks with which he had thus troubled the House, he had avoided all allusion to those irritating topics connected with the vituperations which the hon. and learned member for Dublin had, more than once, thought it fitting to pour out against the party now in office. That party would spare itself the task of reproaching him with conduct, to say the least, savouring of ingratitude. The hon. and learned Gentleman might be assured that his abuse was not a bit more stinging to those against whom it was directed, than that which was so lavishly bestowed upon them by those who so long withheld from him and his Catholic brethren their political rights, and who were now allied with him in hostility against those very persons who were ever the earnest and uncompromising advocates of those rights. He might be assured that the high-minded men who braved the "no Popery" cry in all its fury, were not likely to be scared by a cry for the Repeal of the Union. As attached to that party known by the name of "the Whigs," it was not for him to speak of their claims upon the favour of

an enlightened public. The time would come, when history would do them justice, and would show, among other things not unworthy of commendation, how much they had done and suffered for Ireland; it would show that, in 1807, they left office because they could not knock off the political fetters of their Catholic fellow-subjects; and that, for the same sacred cause, they remained upwards of twenty years out of office, though more than once it was within their grasp, braving at the same time the frowns of the court and the bisses of the multitude. Yes, for the Catholics they renounced power and place, without obtaining in return the poor reward of a fleeting popularity. These were men, in those days of “no Popery” triumph, who might, by uttering one little word against the Catholics—nay, in some places, by merely not saying a little word in favour of them, have been returned by numerous constituencies to a seat in the Legislature; but who, sooner than utter that little word, contrary to their well-founded convictions of right and justice, were not only excluded from Parliament, but from all those places of honour and trust which are coveted by every high-minded English gentleman! The Whigs retired from public life, but their honour were unsullied. The clamour, therefore, which the hon. and learned member for Dublin was endeavouring to excite against Earl Grey’s Government could not be of much moment, compared with that which Earl Grey had already withstood in order to place the learned Gentleman where he sat. Though a comparatively young member of the Whig party, he could take it upon him to speak their sentiments on this head. He therefore could tell the hon. and learned Gentleman that the same spirit and moral courage which sustained the Whigs when out of office, in their conflict with bad laws, would sustain them in office in their conflict with the enemies of good laws. They were not deterred by clamour from making the learned Gentleman not less than a British subject; he might be assured they would never suffer him to be more. In saying this, he believed that he was speaking the sentiments of many thousands. He was proud to say that he stood there, for the first time, the Representative of a new, a great, and a flourishing community, who conceived that, at the present time, the service of

the people was not incompatible with that of the Crown; and who had sent him there, charged (as the words of his Majesty’s writ expressed it), “to do and consent to such things as should be proposed in the great council of the kingdom.” In their name, therefore, he hereby gave his full assent to that part of the Address wherein the House declared its resolution to maintain, by the help of God, the connexion between England and Ireland inviolate, and to intrust to the Sovereign such powers as might be necessary for the security of property, for the maintenance of order, and for preserving, entire, the integrity of the empire.

Mr. O’Connell wished to say a few words in explanation, to which he would strictly confine himself. The hon. Member who spoke last had entirely mistaken his argument. He (Mr. Macaulay) had said, that he (Mr. O’Connell), after having detailed existing grievances in Ireland, attributed them to the Legislative Union; and that he had argued against that Union by reason of those grievances. This was a total misapprehension; for he (Mr. O’Connell) had addressed the whole of his speech to that part of the Address from the Throne which related to the great increase of disturbances in Ireland. His argument was, that property was rendered insecure, and insubordination and violence produced, by the grievances he enumerated; and so little had he said of the Union, that he had been actually taunted with having entirely left it out of the question.

Mr. Sheil said, there was a practical antithesis, amounting to contradiction, in the course pursued by the hon. member for Leeds (Mr. Macaulay); for while he entered into a most elaborate discussion on the Union, which he assumed was unpremeditated, he supported an Address which recommended the extinction of all argument, put an end to the debate, struck Ireland dumb, and clapped a padlock on her lips, though it never could stop the throbbings of her big and indignant heart. What a strange proceeding on the part of the member for Leeds—to discuss the question himself, and to deny eight millions the right to entertain it—to recommend the suspension of the *Habeas Corpus* Act, in order to commit all argument in Ireland to incarceration, while he himself wantoned and luxuriated in so wide a field of discursive expatiation. Perhaps

he conceived that he had advanced arguments so irresistible—that his dialectics were so convincing—that there was such a power of reasoning; amounting to demonstration, in his speech, that he had put an end to all doubt, extinguished scepticism as effectually as the Address suppressed liberty, closed the door on all dispute, and established conviction on the basis of immutable and deeply-founded truth. One could, however, have desired that, having taken the subject in hand, he had touched on some topics which appear not irrelevant—that he had adverted to the fiscal and moral evils of absenteeism, had explained the causes of the misery and destitution of Ireland, had exhibited the advantages of our provincial dependence, and shown us the benefits of having the English Members overwhelm, on Irish questions, the majority of Irish Members in this House; but instead of doing so, he delighted the House with an enchanting allusion, derived from the Siamese twins. But while the hon. Gentleman thus gave way to the spirit of fanciful illustration, he was unconsciously offending Ireland with an image of its calamitous condition. “We are, indeed,” said the hon. Member, “linked in an unfortunate brotherhood; tied together by no ligature through which the vital principle of international feeling can circulate—bound with a reciprocity of inconvenience, and irritated by the common inconveniences resulting from our junction.” How, then, could the hon. member for Leeds indulge in this metaphorical *mal-apropos*? At first he (Mr. Sheil) could not account for it, but, on reflection, he recollected that the hon. Member had answered the speech of the distinguished author of “the Siamese Twins.” His habits, as a critic, interfered with his political purposes, and the image presented by the work of Mr. Bulwer was so much pressed on his memory, that he rushed into a simile that refuted his argument, and furnished Irishmen with the best picture of their melancholy condition. The hon. Gentleman had referred to the favours conferred on Ireland by the Whigs. He (Mr. Sheil) was prompt to recognize them, and, above all, to offer his homage to the vast services conferred by Lord Grey, who had always proved himself the devoted friend of Ireland. [Mr. O’Connell. No, no!] At all events, he was so at the discussion of the Union. Charles Grey (and between Lord Grey and Charles

Grey there was little difference) opposed the Union. He predicted the evils that would result from it, and almost drew a picture of the scenes which were now passing before our eyes. So far, therefore, from dissenting from the panegyric on Lord Grey, every Irishman should concur in encompassing him with encomium. What a pity it was, for Lord Grey’s sake, that the member for Leeds was so young a man; had he been beside the noble Earl in 1799, he, of course, would have urged, with convincing effect, all the arguments which he had advanced with such force, and Lord Grey would never have given utterance to language so entirely at variance with the opinions of the member for Leeds. The following extract from his speech did not apply exclusively to the past, but was prospective, and supplied an argument for repeal. Lord Grey said, on the 7th of February, 1799, (reported in page 336 of the 34th volume of *Hansard**)—“What I most heartily wish for is, ‘a union between the two countries. By ‘union I mean something more than a ‘mere word—a union not of Parliaments, ‘but of hearts, affections, and interests— ‘a union of vigour, of ardour and zeal for ‘the general welfare of the British empire. ‘It is this species of union, and this only, ‘that can tend to increase the real strength ‘of the Empire, and give it security against ‘any danger. But if any measure, with ‘the name only of union be proposed, and ‘the tendency of which would be only to ‘disunite us, to create disaffection, distrust, and jealousy, it can only tend to ‘weaken the whole of the British empire. Of this nature do I take the present measure to be. Discontent, distrust, jealousy, and suspicion, are the ‘visible fruits of it already. If you persist in it, resentment will follow, and although you should be able, which I ‘doubt, to obtain a seeming consent of ‘the Parliament of Ireland to the measure, ‘yet the people of that country would ‘wait for an opportunity of recovering ‘their rights, which they will say were ‘taken from them by force.’ Was not that prophetic? Was not that the language of a man anticipating Repeal, and almost supporting it? How could this language be reconciled to the speech of the Gentleman who spoke from the Treasury Bench; and, what was far more im-

* Parliamentary History.

portant, how could it be reconciled to the speech which Lord Grey had been supposed to dictate to his Majesty? And what did that Speech recommend? An entire suppression of all reasoning on the subject. It enjoined silence. It said, not only shall you not have repeal, but you shall not dare to demand it. The *Habeas Corpus* Act was to be suspended—the principles of British liberty were to be trampled under foot—the prerogative was to be strengthened—the sceptre was to be laden with iron—what was carried by corruption was to be secured by oppression; nay, more; the boast of Britons—the pride—the sustinment—the ornament and the prop of the Constitution, of all that we held valuable and dear—the trial by Jury was to be at an end. Good God! Was it Lord Grey, just fresh from the triumph of Reform, who recommended this? Oh, no!—there was—there must be some superior spirit of domination in the Cabinet, who exercised a fatal ascendancy, and was the evil genius of Ireland. But he had not done with appeals to the authority of Lord Grey. It was pleasurable to refer to him. Lord Grey, in the same speech, said: “Look at the history of Ireland, and you will find, that had it not been for British councils and British intrigue, none, or at least few of the evils, which are now so much felt there would have taken place—evils of which Government is the parent, and which are now made the reason for taking away all semblance of liberty from the Irish people.” Let the House see how far this position answered to our present calamities, and our crimes. How was the Government constituted? There was not one Irishman in the Cabinet of Ireland. The Lord Lieutenant, the Under Secretary, the Private Secretary, the Commander of the Forces, the Adjutant General, and, above all, the Cabinet Minister, who played so inferior a part to Lord Anglesey were English. In this House there was not a single native of Ireland, who represented an Irish county or borough, who had any concern with the affairs of his country. There was not one single link between the Irish Representatives of Ireland, and the Ministers. The late member for Limerick represented Cambridge; the noble Lord, the late member for Kilkenny, represented Nottingham. It might be said, that the member for Dungarvan (Mr. Lamb) was in office. Ireland had not the honour of his birth. By the way, the hon. Gentleman

on the hustings, reminded of their wishes, by the patriotic fishermen who returned him, declared, that though he would not make the Repeal pledge, his mind was open to conviction, and he would give the subject every consideration. It was to be presumed, that the King's Speech had convinced him, and he would now consider his engagement fulfilled; and, after mature official meditation, he would vote for the extinction of all future debate, having arrived at a conclusion, from which all the logicians at Dungarvan could never move him. But, to revert to more important matter, and putting all questions of office aside, and waiving all circumstances which remind us of our provincial dependence, who was the Secretary of Ireland? A man, who was examined before a Committee of this House, and declared that he knew nothing of Ireland. He was to be charged with ignorance, and ignorance was almost an offence. He was blind, and was to lead, or rather drag, Ireland on the edge of the gulf. What sort of defence of himself did he yesterday make? Did he tell us why, out of twenty-six stipendiary Magistrates named by this Government, not one Catholic was appointed? Did he tell us why the Government gave no hint to the Irish Judges (not *à la Saurin* to Lord Norbury), but an useful *innuendo*, not to outrage the Irish Catholics by frustrating Catholic emancipation? But he said he could not influence the Judges. What! when two chief Judges were of his own nomination. But wherefore did he pack the Juries at the late Clonmel Assizes? Had he answered that? How stood the facts? A Jury Bill was promised; the Chancellor of the Exchequer pledged himself to it. He could not carry it; and then, in opposition to the principles of that Bill, in violation of a solemn pledge, the Juries who tried the tithe combinator were picked and chosen in the worst spirit of sectarian exclusion; the feelings of the Roman Catholics were outraged, the most fatal habits of ascendancy were revived, and the tribunals were degraded into a factious and exasperating instrumentality, to carry a verdict at any cost of principle, and any hazard of result. He would defy contradiction on this head. He asserted that the Crown had set aside thirty-six Catholics, and impanelled three Juries, with twelve Protestants in one, and eleven Protestants in each of the other two; and who did this? The Crown! The law officers

confessed it; they claimed all the merit as their own. Was this supportable? Was it to be endured? Was this consistent with the principles professed by Lord Brougham, when he presented the Petition of the Irish Catholics, detailing enormities of this sort, and when he denounced these detestable practices? And could they wonder that Ireland was in this frightful condition? And would they repress the consequences of a fatal misrule, with offensive, insulting, and tyrannical legislation? But they had measures of relief. What relief? Of what kind? The Church was the question. Had the Irish Secretary given way? Had he renounced his principles? How did he and the noble Lord, the Paymaster of the Forces, settle these matters between them? The one exclaimed: "I will never allow Church property to be touched!" The other virtually voted for its confiscation, in 1824. Well, how do these Siamese youths now comport themselves together? Look at them; it's in truth a pleasant picture; there they stand on their four legs, as the member for Leeds has it, rare quadrupeds in the zoology of office, bound together, not by the vile ligature of place, but fastened in their amiable fraternity, by noble love of that country, to whose benefit they so much contribute by their affectionate coalition. But how would they settle the great point of former difference? The member for the Tower Hamlets indulged in a natural curiosity on this subject. He asked: "When we see the penalties, tell us, for God's sake, what is to be the relief—what will you do for Ireland?" "Wait," was the answer: and would Englishmen tarry for the redress of grievances which they confessed, and precipitate the infliction of punishment for the madness which they had themselves excited? What, then, were the Ministers to do for Ireland? It seemed that they were determined not to let the question of Repeal die a natural death; they must strangle it. The *Habeas Corpus* Act was to be suspended, Trial by Jury was to be taken away, and, in return, what was Ireland to get? She was to be relieved from Church cess. At the close of last Session, he asked the Irish Secretary whether the people of Ireland were to be relieved entirely from the burthen of Church cess? And his answer was, "Not entirely," He had changed his mind, however, and this was to be the whole amount of relief granted to

Ireland. They were not told what was to be done with the bishoprics or the tithes. How were the latter to be raised? It was said, they were to be commuted; but by whom, and for what? It was upon this imperfect and meagre information, that the House was called upon to pass an Address to the Crown, investing the Government with new power, by which liberty might not be put to death, but her breathing would be for a while suspended. The relief, as regarded tithes, it was said, would be founded on the Acts of last Session. As to the Tithe Act of last Session, the effect was, to prevent the landlord knowing what to do. It was calculated to induce the landlords of Ireland, to combine with the people to resist tithes; and if such a confederacy once existed, it was not an Act of Parliament that would put an end to it. The Government had endeavoured to collect the arrears of tithes, and had absolutely collected about 30*l.* at an expense of near 100,000*l.* To effect this, the army had been engaged in a campaign unworthy of the bravery and of the hearts of British soldiers. The oftener the military were employed in such services, the more likely were they to be filled with the proper feelings of citizens. If soldiers were allowed to mingle with citizens, the feelings of the peasant always affected the soldier. After entering into a detailed description of the proceedings at the tithe sales in Ireland, the hon. Member referred to the number of tithe cases decided in the Civil Bill Courts. No less than 10,000 of such cases had been tried in the Civil Bill Court at Cashel, where the hon. Mr. Patrick Plunkett, the Chancellor's son, attended on behalf of the Government; and the claims in some instances did not exceed 2½*d.* and 3*d.* When such proceedings took place, was it wonderful that the country should be in the state of disturbance in which it was stated to be? He had done—yet one word more: the Speech deprecated civil war, at its outset, in Portugal. "Englishmen!" exclaimed the hon. Member, "do not confine your sympathies to your allies. We are your countrymen; our blood is precious as any which can be shed upon a distant shore! Save, save us, in the name of justice, of humanity, and of the obligations which you once conferred upon us, by wise and timely redress of our insupportable grievances, from a war which will be worse than civil, and to which the

hoarded wrongs of centuries, and the rancours of religious hatred will lend their infernal and horrible contribution."

Mr. *Charles Grant* said, that no person could, and he asserted it without fear of contradiction, feel more truly those appeals which the hon. and learned Gentleman had made to their sympathies on behalf of Ireland than he had done. He much admired the speech of the hon. and learned Gentleman; but he could not but remark how well he had practised that of which he had accused others in this debate. The hon. and learned Gentleman said, that the right hon. Secretary for Ireland had remarked on the speech of the hon. and learned member for Dublin, that in it the particular topic of the Union with Ireland had been avoided. The hon. and learned Gentleman had given a specimen of equal skill and dexterity, when he contrived to refer to the speech of the hon. and learned Gentleman who had preceded him, and yet to avoid the difficulties in which that speech had placed him. His hon. and learned friend had placed the question on two grounds; and he did not know how the hon. and learned Member could meet that speech, or could meet the great and overwhelming arguments with which his hon. friend had supported his view of the question. What was the mode in which he had done it? He had admitted that the speech was an able speech; but had asserted, that the question before them was not one of the Union with Ireland. With great submission to that hon. and learned Gentleman, he (Mr. Grant) must say, that the question was the question of the Union. They had heard of doubtful and evasive phrases; and they were told that they must not be carried away by words; and on those grounds it was that he called on the House to recollect that this was, in fact, the question of the Repeal of the Union. It was in vain to attempt to evade that question; it was one on which the opinion of the House must be given. Well did he know why the hon. and learned Gentleman had departed from it. It was because that hon. and learned Gentleman had found it difficult, if not impossible, to meet the arguments of his hon. friend. Departing from that subject, the hon. and learned Gentleman went on to discuss questions, some of which were scarcely worthy of his eloquence or talent, and which related chiefly to the personal

opinion of the members of the Government expressed on former occasions. The hon. and learned Member had referred to the speech of the noble Earl (Earl Grey) delivered before the Union. Any man capable of common reasoning must know, that there might, and must exist good grounds for a difference between the opinions expressed three years before an event took place, and those which were stated now, after it had been for thirty years carried into practice. What would become of all Governments, and of all Constitutions—what would become of the Constitution of this country itself, if, after an event had taken place—after its effects had been consolidated—an establishment was to be overthrown, and the institutions of an empire resolved into their elementary principles, because of such an apparent contradiction in the opinions of one man? What was the consistency of that man who would say, that because he had resisted a measure thirty years ago—though under that measure a great empire had grown into strength, and flourished—that he was now bound by what he had then thought; and that on account of his former opinions, formed on theory, and not verified by experience, he was compelled to unravel the web that had been woven, to disunite the links that had been formed, and to destroy that noble and glorious fabric which others had reared, and which he now admired and approved of, but which, before it was completed, he had deemed to be objectionable? The hon. and learned Member had adverted to the sufferings of Ireland. He could assure that hon. and learned Member that no person could speak of the sufferings of that country with more feelings of sympathy than were excited in his bosom. He had always been most anxious to promote the prosperity of Ireland, and to avert from that country the infliction of laws of a violent description. He had always resisted those laws, and should always resist them, unless he saw them called for by an imperious necessity. But, however fearful these laws might be—however terrible their infliction—he could not deny that there might be an exigency which required that, for the safety of the State, the Constitution should put forth all its powers. The hon. and learned Member had appealed to the House in the names of justice and humanity. He also appealed to them in those two sacred names, and asked them whether it was justice or

humanity to any man who entertained the notion that he lived under a protecting Government, to leave him utterly without that protection which he had a right to expect, and without which neither his property nor life was secure. He regretted for the sake of the people of Ireland, that these excesses had been committed, and he regretted it, especially as he knew what advantage would be taken of them. He regretted them, too, because he knew that, in the progress of national improvement, there was no interruption so fatal as that which resulted from the commission of these criminal excesses. The hon. member for Lincoln had said, that in using these arguments, they were but resorting to the arguments which they had used in the Reform Bill. He admitted the fact, and he avowed, that among the great objects of a Legislature, was the necessity of cultivating a sober feeling among the people, and of extending among the people at large, the sentiments of the thinking portion of them. He admitted that, when there was that feeling, the Legislature of a free country was bound to take it into their most serious consideration. But, would any one say, that the same argument applied to the feelings of a portion of the people, who seemed to wish the Parliament to dissolve the bonds of society—to put an end to political union, and thus to destroy political strength, merely because those who urged them to do so, professed their readiness to trace their footsteps in blood, and called on the Legislature to act, in the midst of the stormy discussions of those men who could never be said deliberately to have taken what they recommended into their consideration? When he was told, in this debate, that it was impossible for the friends of Ireland to hesitate about the matter; when he heard it asserted by the hon. member for Meath (Mr. Henry Grattan), that no man could vote for these strong measures who felt for the wrongs of Ireland, he must say, that he did not admit the truth of the assertion; and he trusted that there was no man who would not give him credit for those feelings, although he should vote in favour of those measures; but when he was told this, he must say that he perfectly denied the truth of the assertion. He denied, in the most positive manner, any want of sympathy for Ireland; and he appealed to those great men, who had been justly

deemed examples for all patriots, to justify him in his opinion. Who were those that, in cases of necessity, had avowed their support of measures of coercion? Those immortal patriots, whose names the hon. and learned Gentleman had mentioned, and whose memories he (Mr. Grant) loved and revered; whose talents had shed a light on their country; who were ardent lovers of its liberties and privileges; and who had always struggled for the improvement of Ireland, and who had always ardently desired the advantage of the people. What was the course which Mr. Grattan, the most illustrious of these patriots, had pursued in 1789? In the speech on the violence then committed in Ireland, and on the Whiteboy system, he said: "Let us recollect what are the laws! On this occasion I ask, do Gentlemen know what are these laws? Do they know the extraordinary prerogatives given by the law—the Whiteboy Act, and others of the same kind? Do they recollect that these Acts were consented to because the blood of the country was flowing, and the strings of justice nearly broken? Do I condemn them on that account? No; for I have voted for some of them under the exigency of the times, in order that temporary coercion may enable us to administer a suitable remedy to the necessities of the State." Why did he dwell on this? Not that he thought that any man ought to follow that honourable and patriotic man, under all circumstances whatever; but because he believed that the example was a convincing proof, that it was possible to feel an ardent sympathy for the wrongs of Ireland—a zealous desire for her improvement—and at the same time to think that lawless violence ought to be suppressed, and that it was a part of the duty of all men to abstain from outrage and bloodshed; and that if such a course was not abandoned, the Government were imperiously called on to afford protection to those who had a right to demand it at their hands. The hon. and learned Gentleman having adverted to some other points, entered into the details of some transactions which had recently taken place. He entered too into the question of the tithe system, and into that of the Reform in the Irish Church. Why, the hon. and learned Gentleman was aware that the whole question would, on a future day, and that at no distant period, be brought before the House; and if he de-

layed the consideration of it a few days longer, he would have an opportunity of regularly expressing his opinions on it to the House. He (Mr. Grant) would not do more now than advert to these great questions, nor waste the time of the House in discussing questions that must soon come regularly before them; but he must make one observation. All the mischief which it was said had fallen on Ireland, was attributed to one man among the Ministry. As a member of that Cabinet he denied the assertion, and was ready to take his share of the blame. He scorned a compliment to himself, offered at the expense of others. He would state the reasons which had induced him to be a party to these measures, and he would at once declare, that with whatever reluctance he had approached the question, and whatever were the feelings of reluctance which from his heart he felt upon it, he could not but be convinced, that when called upon by necessity, it was a duty for them to act decisively; and that it was a duty which they owed to the unfortunate persons, the victims of delusion, who created the disturbances, as much as to the rest of the country. It was said that the people of Ireland were not of themselves apt to violate the laws of order—that if they did so, it was the result of their misfortunes, and that it was an aggravation of those misfortunes, and of their distress, which excited them to commotion. It might be that this statement was true; but he did not think, that, even in the most distant way, there should be any encouragement held out to them to mix up crimes with misfortunes, and to destroy the peace and security of the country at large. A notice of motion had been given by an hon. Member, which brought them to the question of what was the cause of their misfortunes, and whether they were to be attributed to the Union? In his opinion they were not; and further he would say—for it was impossible for any man not to have made up his mind on the subject—that the separation of the Legislature was, in fact, the separation of the Crowns. Ireland had already proved that it could not be otherwise; history showed that it must be so; and there could be no doubt, that the attempt, if successful, would have no other effect than that of renewing the system of corruption and iniquity that formerly prevailed. What was the remedy

proposed by the Repeal? The return of the old Parliament to Ireland. What must be the feelings of any Irishman who really felt for his country, when he thought of the old Parliament of Ireland—the instruments, the slaves, the panders of every tyrannical government? Yet that Parliament was said to be the fair creation on which the imagination of Irishmen delighted to dwell. It was figured as the personification of excellence, when it ought to have been held up as an image of loathing and of scorn; it had been most corrupt, and it was destroyed. What was it but the old Parliament that had agreed to that anti-communion code—that anti-catholic code, which had made the greatest part of the population hewers of wood and drawers of water? And would any one tell him, after this, that that Parliament was a body, which it was either for the honour or the welfare of Ireland, to recal into existence? He should like to see that Parliament return in procession, headed by the hon. and learned Gentleman who advocated its renewal; but if it did, he should be surprised if Ireland would not require more from it than it could or would ever grant. There was a moment of enthusiasm, when Grattan breathed forth a flame of honest patriotism, that for a moment hallowed the Parliament in which it had been warmed into existence; but even that fire met with nothing to feed its vestal flame, but dissolved away in the impure and corrupt atmosphere in which it had been in vain excited. And that was the Parliament which we were now called on to bring anew into life, with all its corruptions and stains upon it. It had been said, that the Speech had closed the discussion of the question of the Union. Indeed; why here the House had been for two nights discussing that question alone. He did not mean to say but that Ireland deserved all the attention which the House gave it; but it was strange after all, to hear the hon. and learned Gentleman (Mr. Shiel) speak of the silence of the House on that subject, and complain of that silence. The hon. and learned Member said, that this silence struck dumb the Irish Members. What was the degree of latitude he desired, it was impossible to imagine; but the fact was, that when others had entered into the argument, he had, by placing some other agreeable topic before them, diverted their consideration from Ireland to other matters. While the hon. and

learned Member complained that he and the other Representatives for Ireland were struck dumb, he and they had arrested the attention of the House by their eloquence. He did not complain of their speeches—he was at all times pleased to hear them—but he certainly was at liberty to complain of the inconsistency of those who said, in strains of fervid eloquence, that they were struck dumb concerning the House, however it might admire the language—that the hon. and learned Member attached no meaning to what he said. Under such circumstances, it was impossible not to say, that the hon. Member treated this great subject with somewhat more of levity than it deserved. He should now add no more than the declaration of his positive conviction, that when they professed themselves doubtful of the Union, they would profess themselves doubtful of the security of the empire.

Mr. *Harvey* thought it was impossible to have listened to the speeches of the hon. and learned Member (Mr. Macaulay) and of the right hon. Member (Mr. Charles Grant) without being convinced of what were the wishes and the intentions of Ministers; but he trusted that those Gentlemen would find in the Reformed House of Commons common sense enough to discriminate between specious declamation and solid argument. He complained, that Ministers had not condescended to inform the House what plans they had in contemplation for the redress of the grievances of Ireland. They seemed, however, to recognise by their silence—an eloquence sometimes as powerful as words—the justice of the charge, that they intended to place Ireland out of the pale of the Constitution, and to call upon the House of Commons to declare war against eight millions of our fellow-subjects on the mere ground of confidence in them. Such confidence he was not inclined to yield to this or to any other Administration. Before they were called upon to suspend the trial by jury—before they were called upon to agree to a measure which was to expose Catholics to trial by a Jury exclusively Protestant, and Protestants to trial by a Jury exclusively Catholic—before they allowed sectarian feelings to gain possession of the jury-box, and political animosities to poison the administration of justice, they must be told something more about the necessity of such measures, and must not pass them merely because it was

the expressed will and pleasure of the Ministers of the Crown. They must inquire into the nature and extent of the various grievances which pressed down the energies of Ireland. They all knew that those grievances were not of yesterday's creation, and it would be a gross dereliction of duty, of which he did not expect to find a Reformed Parliament guilty, if, knowing that fact, they refused to examine into the remedies proper to be applied to them. More than half the time taken up in this debate, had been passed in discussing the merits and demerits of Mr. Stanley, on the one hand, and of Mr. O'Connell on the other. Now, what had the House to do with either the merits or demerits of those Gentlemen, except so far as they displayed themselves in the various measures which they respectively brought forward? If one of those Gentlemen were out of office, and the other out of Parliament, the grievances of Ireland would still subsist, and would still require a remedy at the hands of Parliament. In proof of the long-continued neglect of the English Government to the wrongs of Ireland, he would state, that before Dr. Macniven left that country, in 1793, he declared when examined before the Privy Council what, in his opinion, the grievances of Ireland were, and, strange to say, those grievances still subsisted, unmitigated and unredressed. When Emmett was examined before the Privy Council, the Lord Chancellor of that day inquired—

“Pray, do you think that Catholic emancipation and Parliamentary reform are any objects with the common people?”

Emmett replied—

“As to Catholic emancipation, I do not think it matters a feather, or that the poor people think so. As to Parliamentary reform, I do not think the common people thought of it, until it was inculcated upon them, that reform would cause a removal of the grievances they actually did feel. From that time, I believe they have become very much attached to the measure.

THE LORD CHANCELLOR.—What grievances would it remedy, the removal of which they would consider an improvement?

EMMETT.—In the first place, they presume that it would cause the complete abolition of tithes. In the next, that by giving the people an increased power as a democracy, it would better their situation, and make them more respected by their superiors. The condition of the poor must be ameliorated; and, what is perhaps of more importance than all the rest, a system of national education would be established.

LORD KILLEEN.—The abolition of tithes would be a good thing; do you not think it would be more beneficial to landlords than to tenants?

EMMETT.—My Lords, I am ready to admit that, if tithes were abolished by this reform, there are landlords who would raise the rent of their tenants, on granting new leases, to the full value of the tithes. But were reform followed up by the abolition of tithes, such a reformed Legislature would very badly know, or very badly perform, its duty, if it did not establish such a system of landed tenure as would prevent landlords from doing so; and let me tell your Lordships, that if a revolution ever takes place, a different system of political economy will be established from what has hitherto prevailed.

LORD GLENTWORTH.—Then your intention was to destroy the Church?

EMMETT.—Pardon me, my Lord, my intention never was to destroy the Church. My wish decidedly was, to overturn the Establishment.

LORD GLENTWORTH.—I understand you—and have it as it is in France?

EMMETT.—As it is in America, my Lord."

From the laugh occasioned by this quotation, it was obvious hon. Gentlemen were ignorant of the important distinction between a church and an establishment; as would be fully demonstrated when church establishments were more directly under their consideration. The object which he (Mr. Harvey) had in presenting this testimony to the House was to show what, in times past, had been the opinion of men the best qualified to judge of the grievances and remedies of Ireland, and who had made great sacrifices for their accomplishment. Ministers had not told the House what measures they had in contemplation, but had said, that it must wait till they had developed their plans. If their plans were so comprehensive and so conciliatory as to be calculated to meet the wishes of Ireland, was the House to be told that the only way in which Ireland could be prepared for the shower of blessings which was about to descend upon her was by first making her a slave, in order to render her sense of the blessings of liberty more vivid, and more acute? If Ministers had such a boon as they pretended, they need not recur to martial law, they might at once disband their army. They need not suspend the trial by jury; they might be content with the ordinary operation of the law. Were the reformers of Ireland to be told that they were to have no relief from the oppression of church encumbrances, or from tithe or

grand jury rates, unless it was to be bound up in these ligaments of Whig reform and Whig influence? If Ministers did really intend to do something to ameliorate the condition of Ireland, and also to relieve the people of this country, why not state their plan, and what it was they did intend? An hon. Member had gone through a long catalogue of crimes which he said were now committed daily in Ireland; but was there no law applicable to the punishment of crime in that country? Were violations of the law, passed over with impunity, and was there no means of reaching the perpetrators of crimes in Ireland. If it was the fact that the perpetrators of such crimes could not be reached by the law as it now stood, would hon. Members on the other side say how they proposed to reach them? If the situation of Ireland was such as that the greatest crimes could not be reached by the ordinary operation of law—if there existed bands of men who united to screen the murderers and other violators of the peace from punishment, why not give evidence of it before the House? When Lord Castlereagh came forward to propose measures for the purpose of strengthening the hands of the executive, so as to enable it to put the law into effective operation, his proposition was accompanied by a green bag, in which was contained evidence to show that outrage had gone beyond the ordinary operation of law; but here was no evidence of any such necessity: but even let this be so; if the country was in such a state, what was the cause of this prevalence of misrule? What was it but that the people wanted confidence in the Government? Would the course now proposed by Ministers tend to lessen that want of confidence? Instead of proposing any measures for the relief of Ireland, or stating what was intended to be done at a future day, they put forth their most eloquent orators to show that nothing would satisfy the people of Ireland but a Repeal of the Union, by force, if it could be effected in no other way. Was this the way to beget the confidence of the people of Ireland in the measures of Government? He remembered the remarks of a right hon. Gentleman, at that time the Representative of an Irish city, but now the member for the town of Cambridge, which he thought were highly applicable to the present occasion. In February, 1828, that right hon. Gentleman observed, when

speaking of the measures that ought to be pursued towards Ireland—"Economize Ireland" was his recommendation, "by doing justice in that country. By reducing the Establishment, by altering the tithe system they would produce retrenchment. That would be a large, a wise, a liberal economy."* He regretted much that something of the same statesman-like spirit had not been infused into the Speech from the Throne. Instead of any healing measures of this kind, what was now proposed? Why, before even a word was said of what was intended to be done for the relief of the people of Ireland, the first measure to be introduced was one which was to take from them the benefits of the Constitution. It had been well observed by the hon. member for Knaresborough, that the Speech had sins of omission as well as sins of commission. To him it seemed framed as if no person out of that House took any interest in the subject of their deliberations; but it was well known that all England was at the present moment on the stretch to learn what it was the new Parliament proposed to do. He was one of those who thought there was evil in all change, unless that change brought its merits along with it. Now Reform was a great change, and capable of producing great good; yet nothing was said in the Royal Speech which could tend to excite the hopes, to inspire the confidence which that measure had created. Look at the state of our finances. Were they not called upon to do something with respect to them by dealing largely in the reduction of taxes—to reduce them by millions; particularly to remove those which pressed heavily on the poor, and substitute for them a Property-tax, so modified that it would not allow large properties to escape, but at the same time to touch small properties with a tender hand? Instead of an intimation of any measure of that kind, they were told that the Government had so husbanded its resources, that it would be enabled to make war on Ireland though no addition should be made to the ordinary burthens of the country. Allusion was made to the Church, without saying what was the nature of the measures intended—but it was certain that with the feelings which now prevailed in this country, it would be absolutely necessary to do for England what they should do for Ireland

with respect to the Church, and for both they should ascertain the value of every living, and after making a suitable provision for existing rights, the remainder should be made applicable to the purposes of the State. It would not do to say that only the extravagant revenues should be reduced to a more equitable proportion. If the people of Ireland thought that the 1,800,000*l.* of church revenue was only to be divided more equitably—if, instead of a small band of large plunderers, they were to maintain an army of little pillagers, it would be useless to tell them that the paltry residue, whatever it might be, was to be applied to the relief of the poor, or to maintain a system of general education; they would not be satisfied, but would look upon the whole as a piece of delusion. He would not, at that hour, enter into the other topics of the Speech, but he must protest against the inference which some hon. Members seemed disposed to draw—that those who supported the Amendment were therefore favourable to the Repeal of the Union. Upon that subject he would offer no opinion, nor was it necessary, as the question was not then before him. He would only say, with respect to it, that if he were an Irishman, and that he found he could not secure for his country the same benefits from a United Legislature which were the lot of the people of England, he would try whether he could not obtain a larger share under a separate legislature. With these feelings he would give his support to the Amendment, for there was nothing in what had been advanced by Government, or in the measures of which they spoke, but suspicious benefits and undisguised oppression. Ministers, it would seem, were alarmed at their own work, and instead of pressing forward the labour of their hands, were exciting suspicion in the ranks of Reformers as to the sincerity of their measures. But they might be assured, that whether in reference to Ireland, or to the British empire, the people were bent upon great improvements, and that their confidence was only to be secured, by acting in a spirit which corresponded with their just expectations.

Lord John Russell said, whatever objections he might entertain to the speech of the hon. Gentleman, the member for Colchester (Mr. Harvey), he certainly was bound to confess, that it was by no means deficient in that spirit of candour, for the

* Hansard (new series) xviii. p. 112.

display of which he appeared to take so much credit to himself. The hon. Member certainly had been very candid in his avowal of schemes of confiscation and revolution. He would, however, turn at once to what he conceived to be the true question before the House. They were the real Representatives of a free people, considering a Speech which his Majesty's advisers had recommended his Majesty to deliver from the Throne. They were to consider what answer they could give to that Speech, which should be most consistent, not with the interests of any party, not with the advantage of any ministry, but with the well-being of the country, and the welfare of that empire, the security and integrity of which they were all bound to uphold. In the consideration of that question, he must mention the surprise he felt at hearing Member after Member get up in his place and express distorted views of the substance of that Speech, from beginning to end, and of the feeling which any one who read it fairly, could not fail to discover pervading it. It had been represented as a Speech recommending, chiefly and principally, the adoption of a system of coercion for Ireland. One would think even that the very measures of coercion alluded to, were to be debated and decided upon this very night; and that we had totally left in the shade, or imperfectly exhibited in the distance, some measure of tardy and incomplete Reform. But what was the real state of the case? The fact was, that the Speech, after touching upon the questions of foreign policy, and of the Renewal of the Bank and East India Charters (important subjects, which must be submitted, forthwith, to consideration) went on to mention the subject of Reform in the Church of England, which must also be brought before the House. It declared that a Reform of the Church of Ireland must likewise be considered; and that although they were by law united, they required a separate and distinct consideration. The Speech also stated "that there were other questions particularly connected with the administration of justice which would require all the attention and deliberation of Parliament." Could it be said that the Ministers who framed the Speech, and advised his Majesty to express such sentiments to Parliament, were enemies of Reform? That they wished to stop the progress of

public opinion? Or withhold those necessary remedies, which any Parliament, but above all a Reformed Parliament, must be most anxious to apply to all admitted evils capable of being removed? He said the very reverse of this was the fact, and that the first thing apparent on the face of that Speech was, that those who framed or advised it, whoever they were, must have been most anxious to see measures of Reform proposed and carefully considered and deliberated upon, by the House of Commons. But then, said the hon. Gentleman who had just sat down, (and other hon. Members had used the same argument): "Why not go into your plans? Why not explain what you are about to do?" He must say, that this was a most novel and extraordinary proposition. They were met after hearing the sentiments which his Majesty delivered in his Speech, for the purpose of expressing their general sentiments in return; while the proposition of the hon. and learned Gentleman came to this: that every plan, every Bill, every measure to be submitted to Parliament, in the course of the present Session, ought now to be explained in detail; that the House was not to have a general deliberation on the King's Speech, but was now, and in one debate, to consider all these questions of the Bank and East-India Charters—a Reform in the English or Irish Church—a change in the Grand Jury Laws, and, in short, every other question on which the opinions of the House were divided, and respecting which considerable inquiry must necessarily be instituted. Was he then asking too much? Was he asking anything which was for the advantage of the Administration, but not for the good of the public, when he called on the House to concur with him in holding that, unless the Ministry were decidedly hostile to all amendment, it might be wise to give them that degree of general confidence, that when they declared that measures of Reform ought to be taken into consideration, the House should wait a few days, at least until Tuesday next, before it demanded that those measures should be explained and fully developed to the House? But his Majesty's Speech contained other subjects of a more painful nature to the advisers of the Crown. It declared, without going into further detail about measures of Reform, than the statement, that such measures were to be

brought forward—that it would be necessary to intrust the Government with fresh powers, in order to enable them to carry into execution the laws in Ireland. He hoped to be believed when he said that he thought measures of coercion, which were inconsistent with the general spirit of the Constitution, ought never to be proposed but in cases of the greatest danger and necessity. Undoubtedly, however, he did consider that the dreadful scenes which were occurring in Ireland, day after day, that the general insecurity of property, and the peril of life experienced, from hour to hour, in that country, required such an alteration in the state of the law as might support the supreme authority of the realm. What was the worst construction which could be put on the grant of these measures of coercion? Why, that it would be placing power in the hands of those who would be responsible for the due administration of it to Parliament; it would be placing in the hands of persons of responsibility and judgment the means of terror. What was the state of things now? There existed already the means of terror, unhappily, in Ireland. But in whose hands? He did not mean passive resistance, or mere disorder and disobedience to the law. To these things he would not more particularly refer. But the poor farmer who wished to obey the law—who lived, or would wish to live at least, on his farm in peace and quiet with his family, but who was guilty of obeying the law, or, in other words, of paying those dues which the law demanded of him, although he might petition to be relieved from them—a well-disposed and quiet man, who was guilty of this new crime—was compelled to live under a system of terror; the administration of which was not placed in the hands of men of education and responsibility, but of the midnight ruffian and lawless assassin, who were, at the same time, the outcasts and the scourges of society; who accompanied the commission of fearful outrages, with acts, the details of which, could they be read to this House, would fill every human being in it with disgust, astonishment, and horror. It would be more than disagreeable to be obliged to read to the House the accounts the Ministers had received of the horrible outrages too often perpetrated in Ireland; but, as he might otherwise be accused of overcharging the

statement, he could not do better, for the purpose of conveying an accurate idea of the present condition of some parts of Ireland, and of obtaining credit for his assertions, than quote the words of the hon. and learned Gentleman, the member for Dublin. That hon. and learned Gentleman, a short time since, for the purpose (and the very laudable purpose) of attempting to suppress these outrages, and he wished the hon. and learned Gentleman had been always so employed; for he must sincerely desire to see these disturbances abolished—that learned Gentleman addressed a letter to the people of Ireland. He said, “thus seduced, these insurgents”—he called them “insurgents;” thereby admitting the existence of insurrection. “These insurgents afterwards proceed to other nocturnal outrages. They compel farmers to give up their holdings; they destroy houses and property; they flog or otherwise torture the inhabitants of those houses, and they very frequently commit the horrible—the detestable—the damnable crime of murder. Such is the general career of the Whiteboys, Terry-Alts, Rockites, Whitefeet, and other persons of a similar description. They begin with smaller offences, they uniformly end in all the horrid guilt of blood and murder.” This was the description which the hon. and learned Gentleman himself gave of these incendiaries. As to the charge, that these atrocities were committed by the “enemies of Ireland,” it was hardly necessary for him to say a word upon it, for the fact quoted by his right hon. friend yesterday, that out of 12,000*l.* which had been offered in reward for the apprehension of offenders of this description, only 150*l.* had been claimed, was in itself, he thought, sufficient to show, that those who had been engaged in the commission of these delinquencies had not been seduced by spies and informers; but that there existed a dangerous combination, levelled alike against life and property; and he did say if ever there was a duty imposed upon Government—if ever there was a duty imposed upon Parliament—it was to take care that the innocent and well-disposed be not left to become the prey of these lawless conspirators. Talk of America! The hon. and learned Gentleman referred to her example. Was it possible that he—was it possible that any man—could seriously compare the generous, the bright, he had almost said, the

holy resistance of her great patriots, with the ruffian acts, and horrid excesses, and cowardly atrocities of bands of armed assassins? He thought, then, that so far as this part of his Majesty's Speech was concerned—so far as that part of the United Kingdom to which this portion of the passage referred was concerned, it was not too much, without pledging the House to specific measures, to say that it would be ready to lend its assistance in the task of restoring peace and good order to that portion of the King's dominions. But there were other questions besides this upon which the opinion of Parliament was asked. The first was that question which the hon. and learned Gentleman discussed in one of his late speeches in Ireland, which was made the test of almost every candidate at the late Irish election, and by means of which Lord Killeen was ousted from that seat in Parliament which he so well deserved to fill. The Repeal of the Union was the test to which he referred. This was the subject so much dwelt upon by the hon. and learned Gentleman and several of his friends; yet, strange to say, though so much relied upon elsewhere, it seemed to be almost abandoned in the Imperial Parliament. Neither by the hon. and learned member for Dublin, nor by the hon. and learned member for Tipperary, had any of the alleged grievances been urged as grounds for a Repeal of the Union. The hon. Gentleman who preceded him, in his extreme candour, was pleased to speak of Emmett, and those who were arrayed with him in opposition to the Government, and whose object was to separate England from Ireland, in terms of high eulogium. Giving him every credit for his candour, he must observe, that it was rather extraordinary that he should pronounce an eulogium upon persons who expressly wished to destroy the Government of this country in Ireland. That the fact was so was well known, and it was fully stated in Wolfe Tone's Book. He could fully appreciate the sort of respect one naturally felt for persons who, in the belief that they were rendering a service to their country, risked their lives in following out their opinions with a scaffold before their eyes. There was something in the generosity of disposition, and self-disregard of such men, however little we might concur in their opinions, that inspired respect; but, were these questions, let him ask,

questions on which it was possible for any Government to yield? At the time of the Revolution of 1688, it was proposed that Ireland should be left under the dominion of James 2nd. Did any one come forward at that period to say "you must use modes of conciliation with those who insist upon the Stuart dynasty?" No, the very first proceeding of the Parliament of that day, in the commencement of the reign of William 3rd, was to suspend the Habeas Corpus Act for one year, with a view to the establishment of a united Government in England and Ireland. The hon. and learned Gentleman alluded to Scotland; with that country, likewise, we had to fight the battle of a Repeal of the Union, promoted, as it was, by a Pretender to the Throne. But did any one in England propose to yield to that attempt? On the contrary, it was resisted by force of arms. And should it now be said that there ought to be a separation between England and Ireland, at a time when all that had lately passed in that country showed that the objects in view were neither more nor less than these: that an attempt should be made, under the name of a Repeal of the Union, and under the form of a separate Parliament, to disunite the two countries—to confiscate the property of all Englishmen who had property there—to overturn at once the United Parliament, and to establish, in place of the King, Lords, and Commons of the United Empire, some Parliament, of which the hon. and learned Gentleman should be the leader and chief—in which, no doubt, he would play a most conspicuous part, but in which it would be impossible for him to go on for a single year, without involving the two countries of Great Britain and Ireland in war—in a war, too, which would tend to the destruction of one or the other of them; and, at all events, would lead to the degradation and loss of that power and dominion which this country had hitherto possessed. He said, then, with reference to this Address, that it proposed to concur in important measures of Reform and improvement; but, with regard to crimes of the nature of burglary and murder, it proposed to coerce and punish them; and, with respect to the Union between the two countries, it proposed that the Parliament of the United Kingdom should declare that it was ready, by all possible means, to support

and maintain that Union entire. This was all which was required of the House. When his noble friend (Lord Althorp) should bring forward his measure of Church Reform, the House would have an opportunity, and on various other occasions, to discuss the grievances of Ireland, as well as those of England. But he hoped that no hon. Member, by an incautious vote, would supply a reason—mistaken and untrue as it must be—for exciting a belief in Ireland, that while he only meant, in reality, not to agree to parts of the Address, he was to be considered as voting in favour of that Repeal, which, to use the words uttered by his noble friend, last year, would in fact be a total dismemberment of the empire.

Mr. *Ewart* said, that he felt great anxiety on the question of Ireland, and knowing the sentiments of his constituents upon it, he confessed that he also felt great regret that he had heard nothing in his Majesty's Speech that tended to remove that anxiety. He felt assured, that it was not by coercion that a proper feeling was to be reinstated between England and Ireland. He was sure they could not effect a peace in Ireland by a system of terror. They might gain the battle by the force of numbers, but would they gain a victory? No; but they would ensure for themselves a perfect and mortal hatred on the part of the whole Irish nation. They should recollect another thing, in all the measures which might be proposed, on account of the state of that country—that the measures should be based on sound and enlarged principles, and not dealt out in petty and paltry portions, which could never be expected to give satisfaction to the parties intended to be benefitted. He recollected, that at the time when Catholic emancipation was granted, it was declared to be a final measure; but he was convinced, even at that very time, that it could not be final; for, as long as there was a predominant Church in Ireland, the people of that country would never consider any measure a final one, which left that Church predominant, with which not one-sixteenth part of the inhabitants coincided in belief. There were other subjects of great importance, which required attentive consideration—he meant that of free trade to India, to which the people of this country had an unquestionable right. He hoped the time was fast approaching, when that trade should be thrown open, and a regular

Representative of the British nation should be established in China. The hon. Member then alluded to the proposed Corporation Reform, which, he said, was much required, and from which he anticipated considerable advantage.

Sir *Robert Inglis* said, that previous to the speech from the hon. member for Liverpool, with the exception of a few words from the hon. members for Lincoln and Knaresborough, little had been said in the course of the last two nights' debates, on any other subject but Ireland. A stranger coming into the House would be apt to think, that the darling question of the hon. member for Dublin—the Repeal of the Union—had been already carried, and that they were then sitting in deliberation on College Green. The hon. member for Knaresborough had said a few words on the subject of our internal policy, nothing however had been said by any one else (with the exceptions he mentioned) on the subject of Ireland alone. Now, though he did not deny that Ireland was entitled to a fair proportion of consideration in that House, he denied that it was entitled to a monopoly. They had heard the errors of the Government, and the misery of that country discussed in detail; and they had heard remedies for these evils discussed, without knowing anything of what the Government proposed to do in regard to them. He thought, however, that there were other most important subjects in the proposed Address, which likewise demanded the attention of the House. There was especially that of the United Church Establishment. All who heard the sentiments expressed by several hon. Members must see that the Established Church was in danger. He should have believed it impossible that such a system of spoliation could ever have been meditated as he heard recommended by several Members during the present and previous night's debate; and more especially by the hon. member for Lanark. Such a system could never be pursued regarding either branch of the Church, without shaking it to its very foundation. It would be the prelude of the destruction of all property in tithes, whether ecclesiastical or lay. The result, he felt convinced, would be, that no stop could be put to the spirit of innovation till there was an Agrarian Law introduced. He thought he had good reason to feel

alarm, when he saw his Majesty's Ministers submit a proposition to that House of a more equitable distribution of the property of any class of his Majesty's subjects. Whatever the result might be, he could not but consider that a bad omen of the future. He would not follow the hon. member for Dublin in the detail into which he went on the subject of the Church in Ireland, because the whole subject would be fully discussed in the course of the next week; but he hoped that the House would not think that the assertion made by that hon. Member could be maintained, that one Irish Prelate possessed 90,000 acres.

Mr. *O'Connell* corrected the hon. Baronet. He had said 96,000 acres.

Sir *Robert Inglis* was glad to be corrected by the hon. Member, as it showed that the hon. and learned Member had not spoken without premeditation; but he cautioned the House not to believe that the amount stated by the hon. Member, as being the measure of the revenue derived by the Prelate in question, was correct. He considered it singular that no allusion had been made in his Majesty's Speech to subjects of a domestic nature, which he thought should not have been omitted. Nothing had been said of our having got rid of that dire scourge, the Cholera Morbus, or of the abundance of the late harvest. He, however, felt grateful to the noble Lord opposite for the form of prayer which had been introduced in reference to these subjects. But this did not supersede the propriety of the Sovereign adverting to them in his Address to his people. Nothing was said of this being a new Parliament: nothing of its being a Parliament under a new Constitution. However lengthy (to use the American phrase) the Speech might be considered, he thought that there were ample materials of importance omitted to have at least doubled its length. He had already alluded to two or three connected with internal policy. He would only very briefly refer to the omission of all notice of the great events now passing in the Levant—events which might throw the Belgian question into insignificance—and to the omission of all reference to the vast question of Negro Slavery; of which, without now giving any opinion upon it, he might at least say that it was not undeserving the attention of the House. As on all these subjects there would hereafter

be ample opportunities of discussion, he only desired now to be considered as not concluded upon any of them, by his not proposing any Amendment to the Address.

Mr. Hume moved that the House do adjourn [cries of "go on"].

Mr. *O'Connell*: There are twenty to speak on the question yet, who cannot possibly all speak to-night. We are not to be gagged yet.

Lord *John Russell* hoped, that the hon. member for Middlesex would not persist in his Motion.

Mr. *Hume*: There is an hon. Member from Ireland who has never been heard in this House, and who, in the present temper of the House, cannot get a fair hearing. I therefore put it to the noble Lord, whether we are not, in fairness, bound to give that hon. Member an opportunity of obtaining a hearing? I must persist in my Motion that the House do adjourn.

Lord *Althorp* hoped that the hon. Member would not persist in his Motion. He was quite satisfied that the House was ready to give the hon. Member to whom the hon. member for Middlesex alluded, a patient and attentive hearing. He hoped, therefore, that the hon. member for Middlesex would consent to withdraw his Motion.

Mr. *Hume* said, that it only wanted one half hour of the time, beyond which, by a regulation lately adopted, they were not to sit. As he could not expect that all those who wished to speak to the question before the House could be heard before that hour, he hoped the regulation in question would be strictly adhered to; he could not consent to withdraw his Motion.

Mr. Hume, however, agreed to withdraw his Motion.

Mr. *Barron* then rose, and said, that, in justice to his constituents, he thought it necessary to say, that the disturbed state of Ireland was greatly exaggerated. He lived in that part of that country which was most disturbed, in the county of Kilkenny, where he had been a Magistrate for twelve years; and he could say, from his own knowledge, that Ireland was several times, during the last ten years, in a more disturbed state than it was at present. In his Majesty's Speech it was stated, that "a spirit of insubordination and violence had risen to the most fearful height, rendering life and property insecure, defying

the authority of the law, and threatening the most fatal consequences if not promptly and effectually repressed." He agreed so far in opinion with the sentiments expressed in the Speech, that the insubordination and violence had risen to a most fearful height; but he denied that it was greater than it had been for the last eighty years; that was for many years before the great agitator was born, to whom all the violence in Ireland was attributed. At the time the Whiteboy Act was passed, the violence and insubordination had risen to a still greater height than at present, but was it carried on by agitation? No, certainly not; but such insubordination in Ireland would undoubtedly prevail, till justice were done to that country. It was justice which the Irish wanted, and he begged of the House to grant it. He begged of them not to take the *ipse dixit* of any man on the present state of Ireland. The causes of the discontent were bad laws, bad government, and 300 years of oppression and misery. And yet they were taunted for all their sufferings. Were they to be trampled on by an ill-organized police, by an overgrown Church, in which not one-sixteenth of the people believed, but which they had to support, while at the same time they had to support the ministers of their own religion? Were not all these sufficient to cause discontent and violence? It was only by agitation that the Irish had been able to obtain any concessions. The first concession made to them was in 1782, when there were 100,000 men in arms; the next was at the commencement of the French revolution; and the last, when they obtained Catholic Emancipation from the Duke of Wellington's Administration, and which they never should have obtained but for the violence and discontent in the country. Was it possible that they who had been fighting the cause of the Whigs, and who had assisted them in their worst days, were now to be put down by those very Whigs? He trusted that the House and the country would not identify the acts of violence and insubordination to which he had alluded with the question of the Repeal of the Union. He, who had always lived among the people, could say that no two questions had less to do with each other, or were less identified with each other in the minds of the people of Ireland. If there were to be a war at present in Ireland, it would not be a war

between Ireland and England, but a war between property and starvation and misery. He had himself been always on the side of the people, and had made great sacrifices in their favour, yet he had been served with a Whitefoot notice from the midnight assassins, whose deeds had been so justly reprobated. He would not read the notice at that late hour. ["*Read, read.*"] As the House were willing to hear the notice, it was to the following effect:—"The Gentlemen Regulators—" They called themselves Regulators, he presumed, as other Gentlemen had stated themselves Conservatives,—"of the grievances of our oppressed country, had to state their firm determination to your honour, as a duty they owe to the great kindness, liberality, and hospitality you have always shown to the poor. You must have Mr. Miller turned off. It is Mr. Miller's fault that he is a Scotchman, and we will not allow a Scotchman or a foreigner to remain more than five days. Our reason for acquainting your honour with this is to avoid alarm. We humbly beg of you to send him from this place before we render it a scene of bloodshed and massacre, besides many other depredations we will commit if Mr. Barron will not turn him out of his employment.—Signed Captain Whitefoot, and Lieutenant Whitefoot, and others." Under the present circumstances of the country, it was proper that the English Members should be made fully aware that the present corroding system of insubordination had no connexion with any sectarian parties; it was for the purpose of proving this that he had produced this document. He would entreat the hon. House to remember, that the county of Clare had been in a much worse state not five, nor four years ago; but the disturbances had been put down by vigour and determination, exercised under the existing laws, but no recourse had been had to extraneous measures, such as the suspension of the Trial by Jury, or of the *Habeas Corpus*. No; every disturbance had been put down by the prompt and vigorous putting into effect of the existing law, and the existing law only. So it was in Limerick at a later period—so in Tipperary—so in Cork at another period—and so in Waterford at a still more remote period. The present disturbances could be as well put down by the same means as those he had mentioned, which were

far greater and more atrocious, and under a very different Government. In making these observations, he had no private passions, no personal feelings to gratify. He was a simple country gentleman, living on a small estate; and in speaking his sentiments, he trusted that the hon. Members for England and Scotland would do him the justice to believe that he was no factious advocate of his country's liberties. He had had great confidence in the Ministers' liberality and sympathy for Ireland. He still had great confidence in them. He still expected great things from them, but he earnestly wished that something more distinct had been stated in the King's Speech. He earnestly wished for something definite to comfort his suffering countrymen, and to give them hopes of that relief which they had so long and so anxiously been looking for; and which they had been so much encouraged to expect by the last Speech made from the Throne. He wished to see them relieved from that ferocious code which had so long desolated the country. Parliament had given them the Relief Bill; but they were, from long and sad experience, unable to place any confidence in the laws, because those laws had never been made for them, but against them. Only of late had there been any law made for them: but the hon. Gentleman opposite must be aware that the Catholic Relief Bill had been of no service to the poor of Ireland; it had given no meat to the hungry, no clothing to the naked. He entreated hon. Gentlemen not to permit that the first declaration which went from the Reformed Parliament should be such a fierce declaration against this unfortunate people. If they did, what could be expected from a nation so justly exasperated? What could be expected but the most direful results? He was no revolutionist, nor were the people of Ireland; for centuries they had been honoured, and often suffered, for their devotion to the Sovereign—for their loyal adherence to King Charles 1st. Half the wealth of the country had been confiscated to the use of strangers, and long and deeply had they felt the effects of it. He could refer to the history of Ireland to show, that her children had never been disloyal; but, on the contrary, had adhered to her chieftains the O'Neills, the O'Briens, and the Desmonds, to the last. Again, he would ask, how had they come forward in later times,

loyally to support the Reformers of England in 1832, to whose support she had sent her Representatives, and by the assistance of the majority of her Members the Reform Bill had been secured? In return, all that was sought was the support of England, and that was not claimed as a favour, but as the right of a loyal people, loyal to the last, and ready to shed their blood for King William 4th. They therefore, now called upon the English Members to protect them, and see justice done to them. They asked it, not as a favour merely, but as a right; they did not ask to be separated from the English nation, to whom they were bound by many ties. No; all they asked was, to have their own local and domestic affairs managed by a local Parliament, as was the case before the year 1782. The English Parliament had no time to dedicate to the proper management of Irish affairs, which could so much better be looked to by men possessed of the requisite local knowledge. They did not wish to have such a Parliament as existed previous to 1801; it would be better to let things remain as they were; but they asked for a Reformed Parliament. This House was perpetually perplexed by a recurrence to Irish affairs; and he contended that it would be much better, on that account, the Irish should be left to manage their own affairs, which he was sure they would do with clearness, coolness, and calmness, whatever might be said to the contrary. The Irish had to complain of every grievance—of loss of trade—of absentees—of heartless agents. Differing as he did from many friends, he would advocate a system of Poor-laws; and thought, that by a proper Reform in the Church Establishment, the revenues might be well directed to the support and maintenance of the poor, the erection of churches, and the support of the ministers of religion. For the relief of the pauperism of Ireland he would advocate a tax upon absentees. With respect to them, he would put a parallel case to the hon. the Chancellor of the Exchequer: what would that hon. Gentleman, whom he understood to be a first-rate farmer—what would he say, if all his farmers in Northamptonshire were to rob his lands perpetually, to carry off the fat of the earth, and leave no manure behind in return? Exactly parallel to this was the conduct of absentees; and he implored Ministers and the House to redress

these and all other grievances, of which unfortunate Ireland so loudly and justly complained.

Debate again adjourned.

HOUSE OF LORDS,

Thursday, February 7, 1833.

MINUTES.] Bill. Read a first time:—On the Motion of the LORD CHANCELLOR; Lunatics' Regulation.

Petitions presented. By the Duke of LEINSTER, from three Parishes in Ireland, for the better Application of Church Property.—By the Bishop of BATH and WELLS, from Bath, against the Beer Bill.

[ANSWER TO THE ADDRESS.] The Lord Chancellor begged to inform their Lordships, that the House had waited on his Majesty yesterday, according to his Royal Permission, at two o'clock, for the purpose of presenting the Address to which their Lordships had agreed, when his Majesty had been pleased to return a most gracious Answer, which he would read. The noble Lord accordingly read the following Answer: "My Lords—I thank you for your loyal and dutiful Address. I receive with peculiar satisfaction the assurance of your determination to support me in maintaining inviolate the Legislative Union between Great Britain and Ireland, and in putting down a spirit of insubordination and violence, the prompt and effectual repression of which is indispensable to the welfare of my Irish subjects, and to the general peace and security of my dominions."

The Earl of Shaftesbury moved that his Majesty's Answer should be printed. Ordered.

[CHURCH REFORM.] Lord King said, that seeing several right reverend Prelates in their places, he would take that opportunity of moving for some Papers in relation to the revenues of the Church. He was glad to hear that at length, we were to have Church Reform; and he was glad to hear that the task of Reforming the Church had been undertaken by Ministers, for he was convinced that the Reform, to be useful and good, must come from the Government. It could not be expected that any useful Reform of abuses in the Church should come from the members of the Church themselves. He said this because it was proved by experience, from the Reformation down to the present time, that the Prelates of the Church had shown themselves more disposed to pro-

tect the many abuses of the Church than that a reformation should take place, and they had used all their influence and power, as belonging to the Second Estate of the Realm holding seats in that House, to prevent Reform. The abuses which he wished to see remedied were those in which the high Prelates were most concerned, deriving their revenues partly from them, and which, therefore, they were not likely to Reform. It was impossible that these Prelates could be ignorant of those abuses because they in their own character, derived part of their revenues from them, and they had enjoyed, as members of some Chapters part of the incomes which those bodies derived from clerical abuses. He alluded not only to those livings held by the Bishops in conjunction with their sees, and which were annexed to them from time immemorial, but to those livings which were held by Ecclesiastical Corporations, which deriving large revenues from them, allowed to the efficient minister of the parish a miserable pittance, scandalously inadequate to the duties he had to perform. He meant to move for an account, which would be of great importance, to show the distribution of the revenues of the Church; it was an account of the salaries and stipends which were given to the actual officiating ministers in those parishes, the tithes and incomes of which belonged to any Ecclesiastical Corporation. Those ministers were now paid as they were paid two centuries ago, and he would quote some instances of this, believing, at the same time, that there were many others. The first was the living of Silverton in Devonshire, the income of which was 600*l.* a-year, and the Ecclesiastical Corporation to which it belonged, gave the minister 60*l.* At Swimbridge and Langton, in the same county, a minister received 40*l.* to perform one service in each of these parishes, the revenue of which went to the Dean and Chapter of Exeter. The Dean had taken care, in renewing the leases, to get as large a sum as possible for himself; but he had given the officiating minister only 40*l.* The next he would refer to was Norton, which belonged to the Canons of Windsor, who paid 60*l.* to the officiating clergyman. At South Molton, belonging to the Canons of Winchester, the clergyman had received 60*l.*; he now received 80*l.*, though this place contained a population of nearly 4,000 souls, and for this

80*l.* he had to perform all the clerical duties required by so large a population. He might mention a great number of similar instances, but it was unnecessary. There was the parish or township of Preston Holderness, in which an inclosure some years ago was given to the Sub-dean of York, who took all this to himself, and allowed the vicar to scrape together what remained, amounting to about 60*l.* a-year altogether, including some small tithes which did not pay the expense of collection. These cases might be illustrated by others. He had last year brought under the notice of the House the case of Trinity College, Cambridge, which gave a minister 90*l.* in a living worth 2,000*l.*; while one of the colleges at Oxford gave a minister of such a parish 30*l.*, which was made up to 70*l.* by the subscriptions of the inhabitants. If the Bishops had not the power, as was said, to remedy these abuses—if they could not dispose of these revenues, or order better stipends—they ought to apply to Parliament to obtain the power. It was their duty to see that there were no abuses, and if there were, and they had not the means to correct them, they ought to apply to Parliament. Of these abuses, as he had said before they could not be ignorant because they had profited by these abuses themselves. The King's Speech recommended an equitable distribution of the revenues of the Church. He hoped that this equalization would take place; he hoped that pluralities would be done away with, and he wished in addition, in order that ecclesiastical persons might not neglect their duties, that they might be confined to their spiritual functions. These were the important principles of Reform which he wished to see carried into effect. It might be interesting to see what the clergy had already done. What had they done to promote an equalization of Church revenues? He found, on looking back, that the only measure which had any tendency to equalize these revenues, was the measure for augmenting the salaries of the smaller livings; but that, instead of taking anything from the large livings, had been effected by grants from the public, to the amount of 1,200,000*l.* The addition to the smaller livings, which was the most important step he knew of for equalizing the revenues, had been supplied by the public, and had taken nothing from the wealth of the Deans and Chapters, whom he regarded as the friars and

monks of Protestantism. The next Reform of the Church, on which some stress had been laid, was remarkable. An old Act of Parliament existed, which was supposed to be beneficial in enforcing residence. A certain person who knew of the Act, found out that, by bringing certain *qui tam* actions, he might get a great reward for himself, or enforce residence. But what had the Clergy done? When it was ascertained that this measure would be effectual in producing residence, the power was taken from the individual of bringing these *qui tam* actions by Sir William Scott's bill. That bill was brought in with the concurrence of the clergy, and for their relief by the then member for Oxford. It was not supposed to be good to enforce residence, and they were relieved from that by the Bill in question. Another useful Reform was doing away with pluralities. He could state openly that the Bill professing that was a mere delusion. He and others had endeavoured to make something of it, but the amendments they had proposed had been resisted. He wanted to limit the amount of income with which a plurality might be held; but the Bishops, who were the greatest pluralists, resisted that. The Bill, then, was a mere delusion, and it was dead-born. He recollected, too, the rumour which prevailed last year about the see of Derry. It was said, that the Government, when the see of Derry fell vacant, intended to limit its revenues; but that was opposed by the English Bishops. The Clergy objected to having the revenue of this overgrown see curtailed, and the project was given up. They were like certain other persons, who refused every bit-by-bit Reform, and he was rather afraid that they might find that this see of Derry was the East Retford of the Church. The last year some symptoms of a desire for Reform were shown by the clergy of the see of Durham. They presented a memorial to their Diocesan in favour of that Reform; and what answer did they receive? Why, they were told, by a man less anxious for Reform than themselves, that he regretted that they should bring forward any proposition on that subject during these times of excitement, because it was more likely to do harm than good. The Bishop rebuked and reproved them for their zeal in promoting a Reformation of the Church. He was happy to find that it was now allowed that tithes begot animosity against

the clergy, and that a better mode should be adopted of paying them. Within the last two or three years, however, a Report had been made by the Commissioners of Real Property, in which it was stated that a term of sixty years should be the extent of legal claims; but that recommendation found no favour with the clergy. If their Lordships looked at page 24 of the first Report, they would find certain questions addressed to the right reverend Prelates. They were told that the Commissioners would be unwilling to recommend any measure till they had heard the opinion of the reverend Prelates, and they requested the Prelates to give their answers to certain questions which they propounded relative to the property of the Church. He asked the right reverend Prelates whether they had attended to these questions, and whether they had given them any answers? They were put two years ago, and he could find no answer which had been given to them. The Commissioners of Real Property had not received any further information relating to tithes. There had been a bill brought in by a right reverend Prelate, but it was, he believed, of a piece with other measures proceeding from the same source—not intended to effect much good. The noble Lord concluded by moving for “a return from all the dioceses of England and Wales, stating the livings, the tithes of which belonged to Deans and Chapters or other Ecclesiastical Corporations, and thereto annexed a return of the annual stipend allotted to the minister who served each parish in 1831.”

The Bishop of *London* said, however unpleasant it was to be exposed to the remarks of the noble Lord, he was glad that the noble Lord had broken ground thus early in his attacks on the Church, as it gave him an opportunity of giving thus early a contradiction to many of the statements of the noble Lord, and dispelling, he hoped, many of the delusions which were abroad respecting the Church. The noble Baron asked the right reverend Prelates if they had given any answers to the questions of the Real Property Commissioners? He was glad to have an opportunity of answering the noble Baron. He did not know what other right reverend Prelates had done, but he could state for himself, and he had no doubt that they had done the same, that he had immediately taken those questions into consideration, and had returned

such answers as he deemed proper. The same he had no doubt had been done by others; and it was hardly fair, hardly warrantable, in the noble Lord, because the Real Property Commissioners had not made any direct use of those answers, or had not founded any recommendation on the suggestions of the Bishops, that the noble Lord should, by adopting a sneer in asking the question, imply that the reverend Prelates of the Church had made no answers at all. The noble Lord accused the clergy of not having brought forward any measures of Reform in the Church. The noble Lord had first referred to the augmentation of small livings, which he said had all been derived from the annual grants of the public. He was not then prepared with a list of those ecclesiastical bodies which had augmented small benefices, but he knew that many had done so, and that many of those which received the great tithes had appropriated part of them to augment small livings. When the noble Lord said, that not much had been done, and referred to experience, he seemed to forget that it was only of late years that any expectation of improvement had been formed. The imperfections of the Church had only attracted the attention of the public within a few years; and it was only within that period that an impetus had been given to the clergy to enter into any investigations on the subject. At the same time, their Lordships must not suppose that this question had been suffered to rest, and that nothing had been done. On the contrary, great endowments had been made by ecclesiastical bodies and the holders of benefices for the augmentation of the poor benefices. He had observed, with regret, that the noble Lord who moved the Address, had used an expression which had pained him much at the time, and which he intended to notice, but he forbore, from considering the great length to which the debate ran. The noble Lord had talked of the growing abuses of the Church—but the word abuses he did not think properly applicable to the Church. There might be imperfections, blemishes, defects, in the constitution of the Church—all these he admitted; but there were no abuses which could be said to have grown up from the neglect or misfeasance of the present Prelates; and whatever defects there were in the Church were gradually diminishing, and to the im-

perfections a remedy was applying. There was no system without blemishes and imperfections, and every one of those which deformed the beauty of our Church were growing less and less every day. As for the augmentation of small benefices, a bill had been brought in two years ago by the Primate, to enable ecclesiastical bodies and Bishops to increase the value of the smaller benefices. That Act had been carried into effect, and the smaller benefices augmented. If the noble Baron had inquired into the subject, he would have found that to be the case; and the Deans and Chapters had not been backward in availing themselves of the facilities it afforded for that object. He might name the Dean and Chapter of Durham, the Dean and Chapter of Westminster, the Dean and Canons of Windsor, the Dean and Chapter of Ely, and other places might be added, all of whom had availed themselves, to a large extent, of the Primate's Act. With respect to pluralities, the noble Lord should not have forgotten that the Bill introduced by the Primate, if carried into a law, would have had an immediate effect in reducing pluralities, and would by this time have reduced the number of pluralities one half. That measure would moreover have reduced the power of the Bishops to grant dispensations. These instances showed that the Prelates did not neglect Reform; and if they were not at all times disposed to rush rashly and headlong into those measures which were recommended by others—if they, sensible of their responsibility and the importance of their situation, were not carried away by every caprice, but were bent on maintaining the dignity and usefulness of the Church, were they to be described as opposed to all Reform? In fact they were bound to act with prudent caution, while the suggestions of others had no other control than the laws of their own fancy. As to the bishopric of Derry, if it were true that the English Bishops had opposed the reduction of the revenue of that see, the Minister must know the fact; and he was sure that the noble Lord could have no scruple in stating it; and he would say, in the name of all his brethren, that the noble Lord was perfectly at liberty to do so. If the Minister stated the real fact, and not that fact which had been assumed by the noble Lord, the noble Lord would see how idle and vain were

the rumours on which he founded his remarks; and would probably take care, in fairness and common candour, before making an attack on the Church in future, to have some better ground for it than a mere rumour, for such attacks, so unfounded, could only have the effect of keeping up and exciting feelings against the Church even more than at present. He could say, that the exertions of the Bishops to remove the blots of the Church were, if not entirely successful, at least efficacious. Those blots were diminished, and one of the greatest blessings which could be conferred on a country was secured, by its possessing a respectable body of Clergy. That had been, in part, effected by the Bishops, and it was not, he thought, a trifling benefit. The time was come when still more important changes were necessary, perhaps, in the Established Church; but he had great confidence in his Majesty's Ministers, that they would not introduce any changes which would render the clergy incapable of performing their functions, or destroy that inequality in the Established Church on which much of its utility depended. He had thought proper to take the first opportunity of replying to the observations of the noble Lord; and he thought it was neither fair nor right to impute to the present bench of Bishops that they were unwilling to promote any Reform in the Church which would promote its efficacy. Of one thing he was assured, that the efficiency of the Establishment was not likely to be promoted, nor would beneficial improvement be furthered, by such observations as the noble Lord was in the habit of indulging in. For his own part, and he believed he could say the same for every member of the bench, there was no sacrifice he would not eagerly and gladly make, if it clearly appeared that it was required by the exigencies of the Church itself, and was necessary to its interest. With respect to the information required by the noble Lord, he hoped the noble Lord would withdraw his Motion, as all that information would be found in the Returns obtained by the Ecclesiastical Commissioners. Every one of those Returns would be found in that Report, and he did not know how the information could be obtained but by extracting it from those Returns. With respect to the Ecclesiastical Commissioners—and he was then speaking as one of them—he would

say, that they had taken great care to perform their duty. The Report would place in true colours before the House many of the circumstances of the Church, and would show that the property of the Church was greatly exaggerated. He was sure that any plan for the Reform of the Church must be imperfect which did not proceed upon that information. The Commissioners had obtained Returns from 11,000 persons, and those Returns they were now employed in arranging. The Returns embraced a great variety of matter, and till they were placed in order and made public, it would be only candid in their Lordships to suspend their judgment, and desist from those attacks which must be made, if made now, on very deficient information. He trusted that he had not exceeded his duty in appealing thus early to their Lordships, and he hoped also that the noble Lord would abstain, as far as his regard for public duty would allow him to abstain, from those attacks, which must be founded on imperfect views.

Earl Grey thought that the answer of the right reverend Prelate had been so satisfactory that he had no occasion to address their Lordships; but he could not avoid saying a few words. He lamented then, as he had before lamented, the manner in which his noble friend thought proper to introduce subjects of this nature, and he lamented this on the present occasion, the more especially as his noble friend was aware that the Government, in which his noble friend, he believed, placed some confidence, was preparing to bring forward some measures on the subject. He must say that it would be in all respects more convenient as well as advantageous to his noble friend, not to precipitate the discussion of this question. He would ask his noble friend what good could result from such a proceeding? Could it be for the interest of the people to have exaggerated information spread amongst them, or could it be for the interest of anybody to prejudice this great subject by premature discussion? If ever there was a subject which required calm and dispassionate consideration, this was that subject. He had the highest respect for the Church, and if ever he proposed any Reform in that body, it should only be with a view of adding to its efficacy, promoting the security of the Church itself, making it more respectable, and

placing it completely in safety, as far as that could be done by legislative measures. By these views he was governed, and by them only should he be guided in asking the House to support any measure he might introduce. He thought it better to avoid such discussion, and await the time when it would be proper, from a full knowledge of the subject, to enter into it. He appealed to what his noble friend had said, to show that the information was yet very imperfect. The answer of the right reverend Prelate had been complete, and it was not even necessary that he should confirm it. He must, however, state his belief, that never at any time were the clergy—the great body of the clergy of the Established Church—so respectable as at present; and never had they done their duty better. The heads of that Church had shown a disposition to remedy, he would not say the abuses—that was not the word—but the imperfections, the deficiencies of the Church as they found them out; and he should not do them justice if he did not make that acknowledgment. The right rev. Prelate had told their Lordships that the Report of the Ecclesiastical Commissioners would be made when the information procured had been digested; and he agreed with the right rev. Prelate, that it would be impossible to discuss this subject till the information was obtained. With respect to his noble friend's observation as to the limitation of time for claiming tithes, a measure of that nature had already been brought forward by a noble and learned Lord whose loss they all regretted; it had passed both Houses, and was now actually the law of the land. There was another point on which he would say one word. His noble friend stated something about a rumour respecting the see of Derry. Now he wished, before his noble friend introduced such remarks, that he had felt it incumbent on him to have obtained some better ground for them than public rumour. Certainly he had felt that the revenues of the see of Derry were very large, and certainly he had had it in contemplation at the time that the benefice was to be disposed of, to introduce a bill reducing the revenue, and carrying the surplus to the fund of the first fruits. If his noble friend supposed that he had been deterred from carrying that plan into execution by the English Bishops, his noble friend must now learn that he had

been completely misinformed. It was thought better on consideration, in which he concurred, that it should not be then done; other reforms were required, and it was supposed more consistent to defer that one alteration till the general Reform was effected. Upon that opinion he had acted. If it should be proposed, under any future circumstance, to reduce the revenue of the see of Derry, he was sure that the present Prelate would never think of setting up any claim of a vested interest, or demand that any exception should be made in his favour. He would not say more than to entreat his noble friend not again to introduce this subject, which could answer no good purpose, and could not even serve to attain any object he might have in view. It might indispose those who were now willing to admit Reform; so that his noble friend, by dealing in such discussions, would defeat his own purpose.

Lord *King*, in reply, contended that the admission of the right reverend Prelate, that the Church had not been active in Reform, because the subject had not attracted attention till lately, and because the Church had not received any impetus from without, completely proved what he had asserted. With respect to the Motion he had made, he knew very well that the Bishops had all the information which he required, in that voluminous mass of papers which were to be laid before the House at some time or other. But those Returns had reference to the whole revenues of the Church, while his Motion only related to that portion of tithes which was in the hands of Deans and Chapters and Ecclesiastical Corporations. He wished to use the greatest possible expedition in taking away the wealth from those who did nothing, and give it to those who did all the work. He wished to see salaries more equally and equitably distributed. He had been rebuked for finding fault with the high Church Dignitaries, and he considered this sensitiveness on their parts as a convincing proof that they felt they had not done their duty. The high Clergy had done nothing to remedy the abuses of the Church, nor would they; he was therefore most glad to find that the matter was taken up in other quarters, and not left to Churchmen, who would never promote Reform.

The Bishop of *London* protested against the assertion of the noble Lord, that the

high Clergy were determined not to reform the abuses of the Church. That noble Lord appeared also to have a very erroneous conception of the opinions which he (the Bishop of London) had set forth on this subject in the last Session of Parliament. On one point he had said, that the Bishops would have to relieve the inequalities in salary experienced by the lower Clergy, out of their own pockets. Since that, they had been enabled to saddle these charges on the receipts of other benefices. By the powers of the Curates' Bill—or Lord Harrowby's Bill, as it was sometimes called—they had been enabled to add 300,000*l.* to the income of the poorer Clergy.

The Bishop of *Bath and Wells* suggested to the noble Lord (Lord King), that it would be much better in every point of view to delay the investigation of this subject till the papers had been laid before the House.

Earl *Grey* said, that his noble Friend would find that the information to be laid before the House, would be arranged in the most distinct forms, and would be quite full in every respect. Every information and assistance had been afforded him by the right reverend Prelates, consistent with a view to the security of the Establishment. The noble Lord would find the Report to contain every information he could wish, in the most explicit, distinct, and fullest form; and particularly in the point which he now mentioned. The noble Lord might rest fully satisfied on this point, for he himself was; and there did not exist a man more anxiously desirous of the fullest information on the subject.

Lord *Wynford* would assure the noble Lord, that if he would keep his paper in his pocket for one month, he would then have before him the fullest and most authentic information on the subject; but if that noble Lord persisted in his Motion, he would materially retard the production of this so desirable information. All that had been given in augmentation of the small livings had come out of the tenths and the first fruits, and not from the public.

Lord *King* said, what he wanted to know was the amount of the reservations. He had no doubt the Commissioners had full and authentic information as to the whole amount of tithes, but he wanted to be informed as to the reserve,

The *Lord Chancellor* said, that if, on further inquiry, or from reference to the digest, the noble Lord should find that he was still right in what he seemed to suppose, then he would take upon himself to say, as one of the Ecclesiastical Commissioners, that the noble Lord would find no difficulty in the pursuit of his investigation. But he could assure him of his belief, that the Return would be much more full than he seemed to anticipate from a compliance with his Motion. Every particular was stated in it. As to curates, there was a distinct statement of 9,600 persons, the amount of their salaries, and everything relating to them.

Motion withdrawn.

Adjourned.

HOUSE OF COMMONS,

Thursday, February 7, 1833.

MINUTES.] New Writ ordered. For the City of London, in the room of Alderman WAITEMAN, deceased.

Papers ordered. On the Motion of Mr. NORTH, a Return of Cases where the Election of Corporate Officers may take place on a Sunday.—On the Motion of Mr. OLIPHANT, a Return of all Offices abolished by the recommendation of the Select Committee on Sinecure Offices, in 1810, 1811, and 1812, and of the Finance Committee in 1817.—On the Motion of Mr. GROZE, the Quantities of Raw Silk Imported.

Petitions presented. By Mr. MANGLES, from Guildford; by Mr. CHARLES MARJORIBANKS, from Henthorn, BERWICK; and by Mr. STEWART MACKENZIE, from Killern,—for the Better Observance of the Sabbath.—By Mr. ROTCH, from Knaresborough; and by Mr. Serjeant SPANKIE, from Clerkenwell, for the Repeal of the House and Window Taxes.—By Mr. HILL, from Kingston-upon-Hull, for a Law to enable the Inhabitants of the enlarged Borough to Elect their own Magistrates and Municipal Officers.—By Mr. FREDERICK NORTH, from Hastings, against the Beer Bill.

CORPORATION REFORM.] Mr. *Robert Stewart* wished to put a question to the noble Lord, the Chancellor of the Exchequer. The noble Lord had given notice of a motion on a most important subject—the state of the existing Corporations in England and Wales. The question then he meant to put, was, whether there was any similar bill in contemplation for the Scottish burghs?

Lord *Althorp* had given notice that he intended to move for a Committee of Inquiry into the corporations of England and Wales. As to the Scotch burghs, the Lord Advocate, had he been in his place on Tuesday last, would have given notice of a motion for leave to bring in a bill concerning them.

Mr. *O'Reilly* wished to know whether the inquiry would extend to Irish Corporations?

Lord *Althorp* doubted the propriety of including them in the same Committee with those of England. To a separate Committee he should have no objection.

CHURCH REFORM.] Sir *Robert Inglis* said, that notice had been given of a Motion most important to the Church. He, therefore, wished to know, was it intended by Ministers previously to lay before the House such information, papers, and documents, as were necessary to enable Members to come to a right conclusion?

Lord *Althorp* said, it was not intended to submit any papers to the House previous to the Motion. But, in due time, every information would be furnished, that the discussion might be full and satisfactory. The Motion would be founded on general principles.

EMANCIPATION OF THE JEWS.] Mr. *Wilks* presented a Petition from the Committee of the Protestant Society for the Protection of Religious Liberty, in favour of the complete Emancipation of the Jews. He had no doubt that this was but the first of many petitions which would be presented upon the subject, and he trusted that their prayer would be complied with. By the Repeal of the Test and Corporation Act, the Jews were now exposed to particular hardships, for they were unable, if the laws were enforced against them, to resist the penalties from which they used formerly to be cleared in common with other Dissenters, by the annual Bill of Indemnity. The exclusion of the Jews was the last fragment of a barbarous system of intolerance, which was a disgrace to our jurisprudence, and which last fragment would, he hoped, be now swept away.

The Petition laid upon the Table.

Mr. *Wilks* moved that it be printed.

Sir *Robert Inglis* objected to the presenting of the petition, on the ground that it purported to come from a Committee, and not from a public body; and also because it would occasion discussion, which would be inconsistent with the arrangement entered into last night on the subject of printing petitions.

Mr. *O'Connell* attached great weight and importance to the petition. It came from a Protestant Society, having for its object the protection of religious liberty. He represented a constituency of a different persuasion. But he and his constitu-

ents were equally anxious for the establishment of perfect freedom of conscience, and on the most extensive score of religious liberty. He would, however, recommend to the hon. Member (Mr. Wilks) rather than provoke discussion on its printing, to withdraw the petition for a few days.

Mr. *Wilks* objected to any limitation of the privileges of Members on the subject of printing petitions. He thought any attempt to preclude printing of petitions, recommended either by the body from whence they came, or by the magnitude of the subject to which they referred, interfered not only with the rights of the House, but with those of the general constituency. Rather, however, than occupy, at present, the attention of the House, he would adopt the suggestion of the hon. and learned member for Dublin, and withdraw the petition for a few days.

Petition by leave withdrawn.

POLITICAL UNIONS.] Mr. *Finch* wished to ask a question of the noble Lord opposite; whether or not his Majesty's Government intended to bring forward any measure for the suppression of Political Unions?

Lord *Althorp* said, it was not his intention to bring forward any such measure.

Mr. *Finch*: I must then express my regret at the conduct of the Government, which has most unwarrantably allowed these bodies to act in a most unconstitutional manner.

IRISH VAGRANTS.] Mr. *Robert Palmer* begged to put a question to the right hon. Gentleman opposite (Mr. *Lamb*), which was of great importance to the county which he represented (Berks), and to many others. The right hon. Gentleman would recollect, that about twelve months ago a memorial had been presented from that county, as to the passing of Irish vagrants, and he wished to know if any steps had been taken to alter the law, and thereby relieve the counties from such a heavy burthen?

Mr. *Lamb* had no hesitation in informing the House, that the memorial in question, and others upon the same subject, had been under the consideration of Government, who thought the best way was to instruct the Commissioners who were now inquiring into the Poor laws, to extend their inquiries into that subject. That was the state in which the case was

at present, the Commissioners not having yet made their Report.

Mr. *Robert Palmer* was glad to find the memorial was in the hands of the Commissioners, and was satisfied to take no step upon the subject, until they should make their Report.

ADDRESS IN ANSWER TO THE KING'S SPEECH.—ADJOURNED DEBATE.] Lord *Althorp* moved the Order of the Day for proceeding with the Adjourned Debate on the Address.

Mr. *Hume* rose and said, that he agreed with the hon. member for Oxford, that any stranger who had been witness to the two days' debate which had occupied that House, would imagine that the sole duty for which the British Parliament was assembled, was that of deliberating on Irish matters alone. It was his intention, however, to endeavour to draw the House back to what, on the present occasion, was the real business before them. When, however, he complained of the great portion of time which had been occupied by Irish affairs, he must say that he did not think it was the fault of the hon. and learned member for Dublin, or the Irish Members; for a more pointed attack on that hon. Gentleman than had been made, he had never before witnessed in that House. He regretted extremely that the time of those who moved the Address, should have been taken up in attacking the motives and notions of the hon. Gentleman—not for any alleged breach of duty in that House—but for his conduct elsewhere. The House had much reason to complain of the manner in which the Speech had been introduced. Scarcely one single syllable fell from the mover's lips respecting either England or Scotland. It appeared, indeed, as if he was not aware that any such nations existed. He would state his view of what he believed to be the duties now imposed upon the House. At no period of our history was so much ever expected from any Parliament, as by the people of the United Empire from the present; yet, he would venture to say, that never, since he had been in Parliament, had he heard a Speech delivered from the Throne, in which so little notice was taken of those great and important subjects which now occupied the attention of the whole community. Except those sentences which touched upon the Church, and one or two

comparatively unimportant subjects, all these great questions were passed over in silence. He had hoped, that in a Reformed Parliament, a different practice would have been adopted to that by which Speeches from the Throne had been hitherto regulated. It was the duty, and ought to be the desire of his Majesty's Ministers, to frame the Address in so clear and comprehensive a manner, that it should at least afford an outline of the measures which it was their intention to recommend to the consideration of the House. Now, if they were indeed to take the Speech as indicative of what was intended to be done by the Government, what conclusion could they come to but this—that his Majesty's Ministers intended to do nothing this Session for England—that the situation of this country was not to be taken into consideration, except so far as related to the questions of the Bank and East-India Company's Charters, and except the Reform in the Church? And the Speech on these points was very obscure, and he feared related to measures which would fall short of the expectations of this country. If he looked to the Speech of last year, he found much more attention was then paid to the internal condition of the country than at present. In that Speech would be found the following passage: 'I deeply lament the distress which still prevails in many parts of my dominions, and for which the preservation of peace both at home and abroad will, under the blessing of Divine Providence, afford the best and most effectual remedy; I feel assured of your disposition to adopt any practicable measures, which you will always find mererady and anxious to assist, both for removing the causes and mitigating the effects of the want of employment which the embarrassment of commerce, and the consequent interruption of the pursuits of industry have occasioned.*' Such was the language of the Speech made on the 6th of December, 1831. In the Speech now under consideration, not one single syllable was directed to this subject. The question, therefore, which he wished to ask his Majesty's Ministers, was this, whether the country was now in a better condition than at the period referred to? They certainly could not consider it more prosperous, or that prosperity would have been proclaimed in the usual

way. Why then had they not taken notice of any measures to be adopted for the relief of the various distresses known to exist in many extensive and important branches of industry? The only interpretation he could put upon it was this—that his Majesty's Ministers were perfectly satisfied—and that though they did not consider we were in a state of prosperity, still it was not their intention to bring forward any measures for the protection or improvement of any one branch of industry, commerce, or manufactures, believing that none of them required consideration. If such were the case, he could assure his Majesty's Ministers that they were either misinformed or uninformed. They must not suppose, because the people of England had been quiet—because they had not been meeting to petition that House, that they required nothing at their hands. No, the people would soon remind the Government that the great object of that Reform for which they were so anxious, and in their exertions to obtain which they proved so successful—was the reduction of the great establishments of the country—the lessening of its expenses, and a relief from the existing burthen of taxation. The oppressive nature of this burthen, as had been formerly declared by one of the Ministers themselves—a gentleman who sat on the Board of Trade, and with which he understood the other members of the Government concurred—arose not merely from the actual amount raised, but from the manner in which the taxes were levied. More relief, indeed, might, perhaps, be given to the industrious portion of the community by varying and changing the mode of taxation, than by any reduction which it was at present in the power of Ministers to make. Yet they had not even intimated any intention to take off one shilling in amount, or make the slightest alteration in the mode of collection. It certainly was expected that some notification would have taken place respecting the repeal of taxes, which bore particularly hard on some classes of society. These taxes bore hard, especially upon that class whose principles were of the most meritorious description—that class of the people who strove as long as they could, to support themselves without having recourse to parochial relief. He spoke from his own knowledge, when he stated that this class of people, in the metropolis in particular, were exceedingly numerous.

* Hansard (third series) ix. p. 2.

To them there were certain taxes which were exceedingly onerous and oppressive. The impression which they had on the subject of the repeal of these taxes was very strong; and they entertained no doubt, he believed, that it would be the first work of the Reformed Parliament. They did not entertain an idea, that it was possible for his Majesty's Ministers to neglect, on the meeting of the present Parliament, to make some announcement to the effect that their attention, and that of the Legislature, was to be directed to a subject so interesting to the people. He expressed the pain which he felt on receiving the answer which he had received to his inquiry respecting the abolition of a certain great military sinecure. He saw also with much regret that such a sinecure as that of the Constable of the Round Tower at Windsor was filled up as speedily and as anxiously as if it had been a most important and efficient office. When he coupled all these circumstances with the absence of all information respecting the intentions of his Majesty's Ministers, either to withdraw these taxes altogether, or to change them for other taxes which might be less onerous to the meritorious class of whom he had been speaking, he thought he might, without presumption, take it for granted that it was not intended either to repeal or to modify these taxes. He felt it, therefore, to be his duty to protest, on the part of his constituents, against the omission in the King's Speech of a subject so important to them. The people of England expected that something decisive would have been stated from the Throne with respect to the reduction or changing the mode of taxation; and although nothing was said by the mover of the Address about Scotland or England, he was sure that the people of his own country, Scotland, as well as those of England, were as much alive to the subject as any portion of the country, and that they expected confidently a reduction of taxation from the Reformed Parliament; and that, not merely by withdrawing one sort of taxes and substituting others, but by disbanding sinecurists, and those who held useless places, and reducing the salaries of all over-paid servants of the public. Was he not then warranted in saying that disappointment would be felt from one end of the kingdom to the other, on reading a Speech in which such an omission had

been made? He wished, therefore, to give his Majesty's Ministers one other opportunity to state to the House and to the country, whether the Government had any intention, and what, with regard to the reduction or changing of taxation. The hon. member for Worcester had given notice of a motion on the subject of the Property tax; but he did not think that the subject of a reduction or change of taxation was one which ought to be left in the hands of any private individual, but it ought to be proposed and carried into effect by his Majesty's Ministers. He could not, therefore, help expressing again his deep regret at the omission of so important a topic in the Speech from the Throne. On all former occasions, whenever there was any intention to grant any relief by the reduction of taxation, it had always been announced in one shape or another by his Majesty's Speech at the opening of Parliament, or it was mentioned by the mover of the Address, or by some of the Ministers, in the discussion upon the Address. He was now, therefore, still more convinced than ever of the truth of the maxim of that venerable, and, he hoped, venerated man—he meant Jeremy Bentham—that no Government will ever yield one shilling of taxation, unless the people exert themselves, and make it, in fact, a little uneasy. Ministers might very probably have taken it into their heads that no very great anxiety was felt on the subject of the reduction of taxation, because few petitions had been yet sent up on the subject, and because there was not much clamour in the country about it; but they were mistaken; and he would tell them candidly, that he had himself, in some degree, contributed to the absence of this species of evidence of the feeling of the public; for many applications had been made to him, by parties who were anxious to have petitions in readiness to be presented to the Reformed Parliament; but he had always told them to wait till they heard the King's Speech, and the explanations of the noble Lord in that House, or of the Ministers in the other House, on moving the Address, before they did anything of that kind, as, if they acted otherwise, it might distract and embarrass the Government in such measures as they might intend to propose. That had been always his advice, when he was consulted on the subject, and his advice had very frequently

been acted upon. Therefore, if the noble Lord thought, that the people had refrained from being clamorous upon the subject of the reduction of taxation, out of acquiescence in the system that had burdened them for so many years, he could assure him that he was very much mistaken, and that their silence on the present occasion arose from nothing whatever, but their confidence that the Ministry who carried the Reform Act, would follow up that Act, by some measures for granting them some practical relief. What would Reform do for them, if it were not followed up by some measures of that kind? He greatly regretted the omission of the subject entirely in his Majesty's Speech; but he hoped, that as they now had an opportunity of making a statement of such measures, as he could not doubt but they had in view, they would explain to the House and to the public, that the omission was accidental, and that they did intend to make some reductions and some changes, and what those reductions and those changes were to be. The noble Lord (Lord Althorp) could not be ignorant of the anxiety which was felt, particularly in the Metropolis, upon the subject; for many deputations had waited upon him, particularly about the Window and House taxes. He would not, for his own part object to the House tax, if all house property were equally taxed. The Window tax was in all respects objectionable, and ought to be instantly repealed. There was another tax, which he considered it would be a reflection upon a Reformed House of Commons, if they did not take it into their consideration, and use their warmest endeavours to do away with it—he meant the Taxes on Knowledge. He would not speak further of this very unpopular tax; because there had been applications on the subject addressed to the Government from every quarter of the country, showing that the people took the deepest interest in it, and that they would be much disappointed at there being now no prospect of its being repealed. He believed that the fearful growth of crime which at present existed in this country might be justly attributed to the ignorance in which a great portion of the population were placed. He, for one, thought that neither the present, nor indeed any enlightened Ministry, could long sanction the restriction of the fullest dissemination of knowledge amongst the

people. It was with him matter of sincere regret that, in the Speech from the Throne, more attention had not been paid to the internal interests of the country. If he looked at the particular points mentioned in his Majesty's Speech, he found that the very first subject that was taken notice of in it was, the continuance of the civil war in Portugal. What did the people of England care about Portugal? Was it possible that Ministers could forget all the internal affairs of the country, and place the business of Portugal first, and before all the topics in which the people of this country took an interest. He considered this arrangement an insult on the people of England, when all their wants and all their requests were left unnoticed, and the affairs of Portugal placed in front of the Speech. The Members knew pretty well what his opinion was about the affairs of Portugal. He hoped that our interference in the quarrel between the two brothers of the House of Braganza, would be found to have been of a proper nature; and that we had not been acting in an underhand way, supporting one brother in preference to another. His own opinion on the matter was, that we had nothing to do with either the one brother or the other, and that the people of Portugal should be left to settle their own affairs as they liked. We had no business to be put to the expense of sending three, four, five, or six sail of vessels to Portugal, on the objects of either one party or the other, forgetting that there were objects enough on which the money which they cost would be much better employed. The next subject alluded to in the King's Speech was with him, an equal matter of regret; it related to the affairs of Belgium. After the first protocol on the affairs of Belgium, in the time of the Duke of Wellington's Administration, he had taken an opportunity of asking one of his Majesty's Ministers at that time, what the nature of our interference with the internal arrangements of the Netherlands was intended to be; and he was then assured that it was not intended that force should be used. He objected to doing anything except offering our advice as a friend. He would tell the present Ministers, as he had told those who were Ministers at that time—that they ought not to put any confidence in the military despots on the Continent. Though it

might be very well to be reckoned one of the Five Great Powers, the Ministers might depend upon it that those Powers would adhere to them as long as their own interests were concerned in doing so; but, as soon as that was not the case, they would desert this country; which had, in fact, already occurred as to Belgium. He alluded to the three northern Powers—Austria, Prussia, and Russia; and we should never have been connected with them in any way if we had known our own interests. Their declarations now made all the protocols useless, which had put this country to an expense of 12,000*l*. The time would come, when it would be known what the nature of our interference had been. He had an opinion upon the subject, but now was not the time for discussing it. He only protested against its being considered of so much importance as to be placed the second topic of the King's Speech. With respect to the part of the Speech which related to the alliance of France with this country, he would venture to mention his own opinion, that nothing could be more for the peace of Europe than the continuance of a close alliance between the two countries. France was our nearest neighbour, and our richest neighbour—it was the richest country in Europe; and the more intercourse we had with it, the more it would be for the benefit both of France and of England. He, therefore, concurred in approving of the alliance which appeared to have been formed between the two countries; and he hoped that the utmost efforts of Ministers would be used for extending and improving it. About the armament which had been sent to interfere in the affairs of Belgium, he did not wish for the present to express an opinion. He regretted that the decision of the question had been again put off; and he hoped that it would be speedily settled. It would have been matter of very great satisfaction to the country, if the Speech had contained, or the Mover of the Address had given, any intimation of the nature of the changes which it was intended to bring forward for the Reform of the Established Church. He was sure that the very greatest anxiety prevailed upon that subject throughout the country. And with regard to the county which he had the honour to represent (Middlesex), he was well assured, that next to a reduction in the expenditure,

the Reform of the Church was the great object on which the people had set their minds. He trusted that the Reform which Ministers contemplated would be such as would satisfy their expectations, and would reconcile to the Church many who were now wavering. Unless this Reform were such as would eradicate those abuses of which Churchmen, as well as all other denominations of Christians complained—unless it was an effectual and a complete Reform, it would be useless. Let him hope that the Reform which the Ministers had in contemplation would be one which would be perfectly satisfactory to the country. He would give them his advice (which was quite disinterested), that no Reform would be satisfactory which did not reduce the incomes of the higher clergy. He had never argued, and he was no advocate now for spoliation or interference with the property of individuals; but if a proper Reform of the Church were put off much longer, they would be forced to submit to spoliation. Ministers should have his entire concurrence in effecting the changes which they proposed, provided they should be of such a nature as would be likely to satisfy the country. One drawback on his hopes from the expressions in the Speech arose from what was said about the Church revenues: "Whether the Revenues of the Church may not admit of a more equitable and judicious distribution?" The noble Lord, he hoped, would take a lesson from the past, and consider that whatever application of the revenue should be made, care should be taken that it should only go to efficient servants; and that those who did no duty should be struck off, and those who did all the duty be fully and amply rewarded. What had been done had excited expectations of more. He would have passed one paragraph of the Speech, because it was not in itself of importance; but the sentiment expressed in it was so contrary to experience, that he could not avoid making a few remarks upon it, in case his silence with respect to it might be supposed to arise from his agreeing to the opinion expressed in it. He alluded to the passage about preserving the Church: "In your deliberations on these important subjects, it cannot be necessary for me to impress upon you the duty of carefully attending to the security of the Church established by law in these realms, and to

the true interest of religion." Now, he did not believe the preservation of the Church was necessary for the true interest of religion; he did not think that Established Churches were at all beneficial to religion; for as soon as any Church was established in a country, experience had invariably shown that it immediately fell into abuses. He mentioned this only that it might not be supposed he approved of the opinion; but he did not wish to be supposed to advocate the overthrow of the Church; he only entered his protest against the opinion, that an Established Church was necessary for the support of religion; and he thought that the passage might just as well have been left out, or at least modified. The noble Lord, the mover of the Address, was well acquainted with the Church in Scotland, where the Establishment was more pure, and indeed was, perhaps, better than any other Established church; yet, in a very large portion of Scotland, there had lately been meetings for the purpose of getting rid of any Established Church, and particularly for getting rid of that patronage which seemed an abuse inherent in all Established Churches. When the Establishment of that country, then, was found to have its abuses, the noble Lord should not trust too much in the purity of that in this country. He could not pass over that part of the Speech which referred to Ireland, without expressing his deep regret at the course which Ministers had taken with respect to that country. He had every wish to give his full confidence to his Majesty's Ministers in everything else; but with regard to Ireland, there was not one single act, since they came into office, which was not exceptionable, and not one which had given satisfaction in that country. They had heard a great deal of the disturbed and disaffected state of Ireland, but the people of that country must be less than men if they did not endeavour to obtain a redress of the grievances under which they laboured. He hoped that hon. Members would not again fall into the mistake which had been committed by the hon. member for Leeds, and the right hon. member for Invernesshire, who had made speeches which were evidently intended for another purpose; because the hon. member for Dublin (Mr. O'Connell) had not alluded to the Repeal of the Union, and did not wish to allude to it. And he could not help regretting that the time of

the House should be taken up about a question which had nothing to do with the matter under discussion; and that the proper business of the House should have been entirely lost sight of, and those abuses in that country forgotten, which had been made known by the hon. member for Dublin, and admitted by the right hon. Secretary for Ireland. He expressed his own determination to oppose the Repeal of the Union whenever the question should come to be discussed, because he considered it desirable for Ireland that it should be united to England; being the poorer country, it would be benefitted as much as Scotland had been by her Union. But he meant that the Union should be a real Union, and not such a Union as the present; that Ireland should no longer be under a Colonial Government and delegated power, under which complaints could only reach the ears of those who had the power of redressing the wrongs complained of through some interested channel. He repeated his determination to support the Union until it should appear that this Reformed Parliament would refuse to Ireland those alterations in her mode of Government which she had a right to expect; "and I am sorry to say," added the hon. Member, "it seems very likely to refuse, but if it does I will no longer support the Union." He would ask the noble mover of the Address whether it was prudent in him to attack as he had done the hon. member for Dublin? If any man had influence with the people of Ireland it was that hon. and learned Member; but he (Mr. Hume) did not believe that the people of Ireland were weak enough to be led by any man. It had been stated by the hon. member for Waterford that before the member for Dublin was born, the grounds of complaint existed, the resistance to which raised the hon. and learned Gentleman into notice. The hon. and learned Gentleman was only the advocate of the cause of his country and of her demands. Was it to be wondered at, when they had found an honest advocate of their rights, that they supported him? For that, and for that only, in his (Mr. Hume's) opinion, had the hon. and learned member for Dublin obtained the support of his country; but he had obtained that support, and he ought not to have been jeered and taunted in the manner in which he was jeered and taunted last night. The people of Ireland must consider themselves insulted in his person.

He regretted exceedingly that the debates were already this Session filled with continual personalities. Was it not highly improper to compare the hon. and learned Member, as had been done, to a ravenous bird of prey, endeavouring to fix his talons in the vitals of his victim? Was it possible for a man possessing the spirit of the member for Dublin to remain quiet when such terms as those were applied to him? Those personalities had been too frequent, not only in the present Session, but in the last also. The House had nothing to do with such matters, they had to deal with national grievances, and ought to dismiss from their minds the conduct of individuals. If any man had acted contrary to law, that was not the place in which he ought to be called to account: he was answerable to the law and a Court of Justice was the proper place to inquire into his conduct. He therefore objected most strongly to the way in which the debate frequently turned, so as to make it appear to be a personal question between the hon. and learned member for Dublin and the right hon. Secretary for Ireland. When things took that turn, it was impossible that the statements of either the one or the other should have their due weight. He hoped that, in future such personalities would be carefully avoided, and the attention of the House directed to the real objects of their debates, —to inquiring into the grievances of the country, and to finding out the means of relieving them. He admitted the truth of the observations of the right hon. the Secretary for Ireland, when he said, on a former occasion, that the evils of Ireland ought not to be attributed solely to the present Administration, and that the evils of Ireland had been growing up for centuries. He would, therefore, not say one single word on the subject of anything which had taken place, or which had been done in that country, but from the period when the present Administration took office. If he could show that they had violated every pledge which they had given to the country, and if he could prove that they had not acted as was expected from their principles and their honour, it was impossible for him to consent to give them those extraordinary powers which they asked for. He must express his regret that the right hon. Secretary for Ireland had not alluded more particularly to the grievances of which Ireland complained. He would take the list of admitted evils to which Ire-

land was subject, which he had written down at the time. After hearing the statements of the hon. and learned member for Dublin, and when he found that no one of these grievances was noticed, that no remedy was proposed (and he had heard of none), he could not help concluding that it was not intended to apply any remedy to them; and if that was the case, it was impossible for him to consent to give the Government any extraordinary powers. Did the right hon. Secretary attend to the complaints against the Magistracy, or to those against the Bench, when a Judge had taken upon himself to alter the law? He had never taken any notice of that, though there never was an act which better deserved impeachment.

Mr. *Stanley* begged to explain, that in the case alluded to (that of Baron Pennefather), the decision of the revising Barrister was subject to appeal, and upon that principle the Judge made the decision complained of.

Mr. *Hume* continued: The hon. member for Waterford (Mr. Barron) had stated that the people of Ireland had no confidence in the administration of the law—that they did not think justice was done. It was the duty of Ministers to take some notice of so crying an evil. Some explanation should at least be given on the subject, either to show that such a grievance did not exist, or to say that some means would be taken to remedy it. Could any man who had listened to the statements of the hon. and learned member for Dublin think if such grievances existed in England, that Englishmen would be such slaves as tamely to continue submissive to such a tyranny; and could they therefore think it strange that Irishmen should not be quiet? In that House he had heard promises made that certain grievances should be corrected. He himself had received an answer to that effect, on putting a question respecting tithes. Yet the petitions lay on the Table, and no further notice was taken of the matter. Now, Ministers either had or had not the power to remedy the grievances of Ireland. If they had not the power to do what they considered right, and what they were pledged to do, they ought not to continue in office a day longer; if they had the power, they ought at least, to give some explanation to the country why the measures which they stood pledged to carry were not carried. Why had they allowed

the law about Juries, which they have themselves declared to be unjust, to continue in operation for one year? This was one ground of complaint, and as that remained unremedied, he would refuse the additional powers which they required, till he knew whether it was their intention to remedy it or not. The appointment of Sheriffs was another grand cause of complaint, and the political influence which they possessed. Ministers might have submitted a notice on that subject, which would have been some proof of their intention to take the affairs of Ireland into their serious consideration. Ministers said nothing about Grand Juries. The right hon. Member said nothing of depriving Catholics of a share in the offices in the appointment of Government—said nothing of the twenty-six stipendiary Magistrates appointed by the present Government not one of whom was a Catholic. If there were no other ground on which the Irish had cause to complain, this would be perfectly sufficient—that all the offices were given, not to Irishmen, but foreigners. [a laugh.] [Mr. O'Connell: They are foreigners to us, since they are of a different religion.] That alone was a sufficient grievance to account for the discontent of Ireland. He would ask the noble Lord: Suppose this to be the case, and suppose he was to take it in his head to appoint the next twenty-five Magistrates, all Catholics—did he think this would meet the approbation of the country. He might extend this to all the offices of the State. Was it possible that the people of England would bear this? Could there be any wonder, then, that grievances like those which the people of Ireland had suffered so many centuries should cause a rancour against their oppressors? He protested against all offices being filled by Orangemen, who were the enemies of the Catholic population. When he recollected the speeches of the present Ministers on the Motion of the hon. member for Edinburgh (Mr. Abercromby), against putting arms into the hands of the Orangemen;* when he recollected that they then concurred with him (Mr. Hume), and when he now saw that nothing had been done for redeeming the pledges which were given, and the promises which were made by those Gentlemen when they sat on this side of

the House, it seemed to him that there must be something in these benches which made men forget their promises. It seemed that there was some sort of infatuation which came over them, when they moved from this side of the House to the other, and which seized them immediately on sitting down upon that bench. Nothing whatever had yet been done for Ireland. He would refer to the language used by the right hon. Secretary for Ireland, on December 6th, 1831, in the Debate on the Address, to show what were then his sentiments. The right hon. Gentleman then said: 'Will any man tell me, that the system of tithes, even in this country, and much more in Ireland, is not fraught with mischief? Will he tell me, that it is the most amicable arrangement that could be made between the minister and his parishioners? Will he tell me, that it does not give rise to dissension, nay, to bitter animosity? And are not those feelings of animosity necessarily stronger amongst a population where the majority of the people dissent from the Church, for the maintenance of which the tithes are collected?*' Was that great tithe grievance yet remedied in Ireland? Certainly not. Again, the right hon. Gentleman said, in reference to a demand for those additional powers which he now advised his Majesty to ask for. 'The Government will concede to no clamours that are unjust, and they will use the powers of the law to put down any association that may be inconsistent with the spirit of the Constitution; and if the powers which the laws at present give them be insufficient for that purpose, they will call for further powers. But I do not think that, by resistance to just and equitable claims, you can extinguish the voice of the people.'† In the last year, then, the right hon. Gentleman disclaimed all wish or intention of using force in Ireland. Now he proposed to stifle the voice of the whole nation. The right hon. Gentleman, in his speech the night before last, had told the House that out of 102 rewards, amounting to 12,000*l.*, which had been offered in Ireland, for the discovery of the numerous crimes which had been recently committed in that country, only two had been claimed. What did that prove? Directly the reverse of what the right hon. Gentleman wished to

* See Hansard (new series), vol. viii. p. 443.

* Hansard (third series) ix. p. 56.

† Ibid. p. 55.

establish. It proved that the whole nation were united in one sentiment; and the right hon. Gentleman had admitted that it was not possible to bribe or intimidate a whole nation. But he had not quite done with exposing all the inconsistencies of the right hon. Gentleman. He who now wanted new powers to stifle the voice of complaint, lifted up against acknowledged oppression, then said: 'The right hon. Gentleman indeed says, that the moment the people pass the line of just and reasonable demand, that moment we should refuse to concede anything; we should steel ourselves against all applications, and should tell the people, that none of their demands ought to be conceded, because some of them were unjust; we should make no concessions lest it should be supposed that we had conceded every thing to fear. What, Sir, shall I answer to such an argument? What shall I say more than this—take care that you concede in time? Seasonable concession is the only means by which you can either put down just, or prevent unjust demands.*' Had such a course been pursued? Quite the contrary. No grievance had been redressed, but several grievances had been augmented. Ireland was perfectly quiet until the passing of the measure relative to tithes, which had been introduced by the right hon. Chief Secretary in the last Session. The Irish people had experienced great relief from the measure for emancipating the Catholics. That measure had produced great tranquillity. The members of his Majesty's Government had declared that such was the case. The people of Ireland were grateful for Catholic Emancipation; and they were the more grateful, because they thought it would be followed up by additional benefits. And what had the people of Ireland since done? Had they not, both by themselves and by their Representatives, supported the propositions made by his Majesty's Government for Parliamentary Reform? Had they not supported his Majesty's Government until they had been driven by the right hon. Gentleman opposite to despair? Until that unlucky hour, when the right hon. Chief Secretary introduced his Bill for the compulsory composition of Tithes in Ireland, that country was perfectly quiet. It was not the hon. and learned member for Dublin who was

the real agitator of Ireland; it was the right hon. the Chief Secretary. If all the efforts of mortal man—if almost going down upon his knees—would have averted the measure which occasioned all this evil, the hon. and learned member for Dublin would have averted it. The propositions of the right hon. Chief Secretary last year were fourfold. Three of them were conceded; but to the one to which he had just alluded, the most strenuous opposition was made, by those who well knew the mischiefs that would result from it. That excellent and venerable person, Sir John Newport, who was not now in the House, Sir Henry Parnell, who he (Mr. Hume) exceedingly regretted was not now in the House, in conjunction with the hon. and learned member for Dublin, all made every effort that mortal men could make, to induce his Majesty's Ministers not to persevere in their compulsory tithe measure. All the Irish Members joined them in deprecating the adoption of such a brand of discord at such a time. A deputation of the Irish Members waited upon the leaders of the Administration. It did not consist alone of those anxious to promote the Repeal of the Union. No men could be more desirous to maintain the connexion in all points between the two countries than Sir John Newport and Sir Henry Parnell; but they said: "Let us, for the good of our common country, unite with the hon. member for Dublin and his friends." They waited on Lord Grey and the right hon. Gentleman, but in vain. The right hon. Secretary for Ireland was inexorable. He (Mr. Hume) had expected better things from Lord Grey. He had expected more firmness—more wisdom—more liberality of feeling. He did not imagine that, after the manifold proofs of the evils wrought upon Ireland by the right hon. Gentleman, he would have left that country in the hands of one who was incapable of wielding the powers committed to his charge, except for purposes of mischief. He would not once have believed that noble Lord would have suffered Ireland to have been sacrificed, to he knew not what, or whose pernicious counsels—counsels, however, which, by adoption, became the counsels of the Cabinet. If he could truly judge of Lord Grey by an experience of twenty-five years, he must say, that the late proceedings of his Administration were utterly at variance with the professions and practices of his whole preceding

* Hansard (third series) ix. p. 55.

life, and that he must be now misled by some strange malignant influence. But after receiving this deputation of Irish Members, what did the Government do? Did they attend to the warning voice? Did they withdraw the obnoxious proposition, and abandon their insane project? No!—they called together 230 English Members to support them, against the Representatives of Ireland—against the people of that country. He, however, and one other honest man that was near him, protested against it. They told the Minister that no good would be effected by a mere change of names. After he had heard the statements last year, of the noble Lord opposite, and of the right hon. Chief Secretary for Ireland, in support of the compulsory Tithe Composition Bill, he (Mr. Hume) had asked them what more they could have than the whole military force of the country, and had told them that to bring the Crown into odium, and to make a tithe proctor of the King, would be a most degrading proceeding. He had told them that they had never tried conciliation; and had informed them that those who knew the circumstances of Ireland, would pledge themselves, that if no legislative measure were adopted, at least seventy-five per cent of the arrears of tithes would, in the course of three months, or perhaps in the course of six weeks, be paid off without any trouble whatever. He had then said, that they were acting against the united voice of the Representatives of Ireland, and against the united voice of the people of Ireland, and that they would embroil Ireland in all the horrors of civil war. No proposition could be fairer than the proposition which had been made on that occasion by the hon. and learned member for Dublin; and, therefore, it was the height of injustice to say, that the hon. and learned Gentleman was the cause of the present agitation in Ireland. As soon as the measure came into operation, its effects were felt to be so injurious, that the hon. and learned member for Dublin would have acted a most dastardly part if he had not exhorted the people of Ireland to endeavour to obtain redress. “But no,” exclaimed the right hon. Chief Secretary, “the people of Ireland shall not even meet to petition Parliament on the question of tithes.” What would the people of England say, if the noble Lord at the head of the Administration, or any other man, were to forbid them in any case from

meeting to petition that House? Would they not, like the people of Ireland, resist every effort so to coerce them? When the extraordinary measure of last Session was proposed by the noble Lord and the right hon. Gentleman, was it not stated by them that it should go hand in hand with measures, for the redress of the grievances under which the people of Ireland laboured? Even a list of those grievances was made out. When, at a subsequent period, the noble Lord, the sincerity of whose character every man must acknowledge, was called upon to redeem that pledge, he admitted having said, “he considered it would be contrary to all principle to agree to the course of compulsion recommended, without a coincident course of conciliation; that the only reason why the latter had been postponed was the complexity of the subject; but that he felt that his Majesty’s Government, and the House itself, were pledged to follow up the proposed measure with measures for redressing grievances.” And yet, up to the present moment, not an item of those grievances had been redressed. Had the Vestry-cess been altered? Had the system of Church-rates been amended? Had the system of tithes been improved? Nothing of the kind. Was this the way in which the pledge of the noble Lord, and the pledge of the House of Commons, had been redeemed? Had not the evils of Ireland been aggravated, instead of mitigated? Had not meetings, the object of which was, to obtain a legal redress of grievances been stopped? Had not the military been employed in an unprecedented manner? No invaded state had ever been more completely overrun by a foreign enemy, than Ireland had been overrun by British troops. Horse, foot, and dragoons, had all been employed to carry off one poor tithe-pig. It was the right hon. Chief Secretary who was the real Repealer. Talk of the hon. and learned member for Dublin; that hon. and learned Gentleman was only the agent of the Irish people; to resist the oppression which it was attempted to inflict upon them. What was the course which his Majesty’s Government ought to adopt to stop the demand for a Repeal of the Union? To do justice; to put an end to violence; to prevent the current of blood from continuing to flow by the mismanagement of any man. If the noble and learned Lord at the head of the Chancery could forget the

doctrines which he had formerly advocated with so much eloquence—if other noble Lords and right hon. Gentlemen had changed the liberal principles which they formerly professed—at least he trusted the Reformed House of Commons, would not be found deficient in the discharge of its duty. Why had a Reformed House of Commons been loudly called for by the country? That the bad measures of a Government might be checked; that the grievances of the people might be redressed. But the right hon. Chief Secretary declared that the grievances of the people of Ireland should not be redressed. He (Mr. Hume) could repose no confidence in a Government which permitted such a declaration. If the noble Lord at the head of his Majesty's Government were to act wisely, he would withdraw the Lord Lieutenant from Ireland; he would interpose no obstacle between the immediate communications of the Irish people with the English Government, and he would never allow the right hon. Gentleman to go to Ireland again. Let him (Mr. Hume) do the right hon. Gentleman justice: he believed the right hon. Gentleman had intended to do his best, but it was sufficient to say that he had failed, and that he did not possess the confidence of one man in Ireland. Was the proposed course the way to acquire that confidence? The argument of the right hon. Gentleman was, that Government must be feared before it was loved. Was not such doctrine enough to induce a British House of Commons to rise and express one universal sentiment of indignation? At least let them not, by arming the Government with fresh powers, render themselves the partizans of bloodshed, and the supporters of a system that had no other claims to obedience but the terror it inspired. Ireland had already been worse treated by this country than Greece had been by the Turks; and now his Majesty's Government came forward with propositions for fresh powers, without having in a single instance redeemed the pledge to redress grievances, with which they had accompanied their last proposition of a similar nature. He repeated, that he was unable to give his confidence to men who had so grossly mismanaged the power which had already been intrusted to them. The hon. and learned member for Leeds had asserted, that for twenty years before the Union, Ireland had been overawed

by England. He (Mr. Hume) had been looking at the documents, and he found that in 1792 there were only 8,000 troops in Ireland. He did not understand, therefore, what the hon. and learned member for Leeds meant by over-awing. Ireland was now indeed overawed, for 40,000 troops were employed to collect tithes, and keep the people submissive. Nor was the argument of the hon. and learned Gentleman founded on his assumption that the hon. and learned member for Dublin wished for the restoration of the old Irish Parliament a just one. What the hon. and learned member for Dublin wanted was a Reformed Irish Parliament. If, by the decision of the House that night, they agreed to place fresh powers in the hands of his Majesty's Government, he (Mr. Hume) should himself become a Repealer at once; and why not? Ireland could not be worse off than under the military despotism which it was proposed to inflict upon her. He would now say a few words to those Members who had constituents, as most of them now had. By those constituents they were called upon to make every effort to diminish the enormous establishments of the country. Were they aware that the military establishment of Ireland cost annually two millions? If they redressed the grievances of which the Irish justly complained, grievances which no freemen ought to submit to—grievances which made slaves of those who were subjected to them—that large establishment might be reduced. By maintaining it, a reduction of taxation was rendered impossible. If his Majesty's Government would consent to redress the grievances of Ireland, the military establishment in that country might be at once reduced from between 30,000 and 40,000 to 10,000 men. Was not that worthy of consideration by a Reformed Parliament? Again, if Ireland were to be maintained as if it were a military garrison—if it were to be treated as if it were a conquered country, how was it to be expected that the people would ever obtain any profitable employment? Who would be mad enough to carry his capital to a country in such circumstances? But it was impossible to expect that a people could be civilized unless they were employed. An unemployed people must necessarily be a lawless banditti. Every measure which had been proposed by the right hon. Gentleman had extended the

evil of disturbance, instead of restoring confidence and tranquillity. He allowed that Ireland was at present in a most disturbed state. But who had produced that state? His Majesty's Government. They once had peace in Ireland, and they ought to have preserved it. What was the cause of all this? The Irish Church Establishment. They might disguise it as they would, but that was the real cause. Fourteen years ago he had declared in his place that it was necessary to the peace of Ireland that the existing Church Establishment in that country should be abolished. He now repeated the declaration. Were the people of Scotland saddled with a Church Establishment contrary to the will of the majority? Were the people of England saddled with a Church Establishment contrary to the will of the majority? Why then should Ireland be so saddled? Was it for the support of religion? That was mere mockery. It was for the purpose of raising a revenue to enrich Bishops and other dignitaries. Why were twenty-two bishops considered necessary for half a million of people? He had in his possession a long list of Deans, Archdeacons, &c., all useless to the nation at large; and although partial interests might be consulted by maintaining them, that House ought to consider only what was calculated to benefit the whole community. Was it fitting and was it wise, in the present day, amidst the events which were passing in this country and elsewhere, when the people were beginning to think, aye, and to act for themselves—was it fitting and was it wise to persevere in such a course? He warned his Majesty's Government—he warned the House against doing so. Let them look at what had occurred in his own country. Did not Scotland nobly and successfully resist the attempt which had been made to saddle it with a hierarchy? He could never complain of a nation which endeavoured to achieve in this respect what the Scotch had achieved. What right had they to say—the English shall be free, the Scotch shall be free, but the Irish shall be slaves? Why continue to keep up an establishment which had been the bane of Ireland? He was sorry that it was not in his power to place that confidence in his Majesty's Government on this point which he could wish to place in them. For the acts of that Government, Earl Grey, as the head of it, was responsible.

Was it possible that that noble Earl, after having stood so long on the eminence of public opinion, having so long and so openly professed liberal opinions—was it possible that he could permit such a course of proceeding to be continued? Was it possible that he could do so, when, by the boon which it was in his power to bestow on Ireland, he might restore the peace of Ireland, and consolidate the union of the two countries? He (Mr. Hume) had no wish to see that union disturbed, and he thought he might undertake to say for the hon. and learned member for Dublin, that if the peace and happiness of Ireland were restored by justice being done to that unhappy country, that hon. and learned Gentleman would have no wish to see the Union disturbed. For his part, he (Mr. Hume) was persuaded that any such disturbance would be highly mischievous to both countries, and he should therefore be no friend even to the consideration of the question of a Repeal of the Union, if the House and the Government did that which every feeling of justice called upon them to do. He would not again place confidence in ministers till their former pledges were redeemed. As to the Address, he did not wish to go so far as to object to it altogether. But with that part which referred to Ireland, he most assuredly altogether differed. If Ministers neglected to remind his Majesty of what was for the good of his people, or any portion of them, he trusted the House would ever perform its duty in that respect. On that account he had certainly felt a desire to introduce a paragraph into the Address, reminding his Majesty what grievances had to be relieved, what taxation reduced. The time was not far distant when he hoped they should revert to the good old practice of requiring Ministers to lay before the House, at the opening of each Session, an explicit detail of all those matters which it was their intention to introduce. The present custom might be well for Parliaments as formerly constituted, but, as in the Reformed Parliament Members would be required to do their duty uprightly and faithfully, for they were sent to vote, not as Ministers pleased, but as their country required—he would suggest to his hon. and learned friend, the member for Dublin, that it would be well if he would withdraw his Amendment; or, if that were not allowed, that it should be negatived without a division, and that the House should

then take up the only point in the Address which seemed to require objection—namely, the question of granting extraordinary powers without inquiry. His experience had not been so long in Parliament as that of some other hon. Members, but he might, perhaps, have attended as much to the manner in which things were managed. If he recollected rightly, in every case in which extraordinary powers were demanded by a Minister for the purpose of placing any portion of our fellow-countrymen beyond the pale of the law, it was considered incumbent upon the Minister to make out a sufficient case to justify so extreme a proceeding. Parliament was here called upon to outlaw the whole of Ireland—to place it beyond the pale of the law. Was that likely to promote peace, or to make the people contented and tranquil? Was it not likely rather to raise those who were now obedient to the law in disgust against it? There was a point to which human patience could bear, but they might calculate too much upon the sufferance of man. He considered that no case had been made out to warrant these extraordinary powers, as regarded Ireland; and, therefore, he should be happy if his hon. friend, the member for Dublin, would withdraw his Amendment, and allow his right hon. friend, the member for Lambeth, to submit his Amendment, which applied to the very point which a Reformed Parliament ought to consider. If the Government would remedy the evils of Ireland, he would give them any powers they pleased, but let them try the remedies first. The amendment of his right hon. friend would, he was sure, meet the approbation of his hon. friend, and every man would discard from his mind the notion that he came to that House merely to vote as the Ministers would have him, and would reflect that he was sent there to think for himself. As the liberties, the rights, and the welfare of the whole community were at stake on this occasion, he entreated, that hon. Members would not stultify the proceedings of the House by putting out of the pale of the law a whole nation. His hon. and learned friend, the member for Dublin, had been taunted as if he had the power to be king of Ireland. These proceedings might make him so; but, if he was king of Ireland—that was what the hon. Members at the other side of the House said—he had always denied it; but there was no sentiment so much

cheered at the other side of the House as the charge made against his hon. and learned friend relative to the power which he possessed in Ireland; but if he was king of Ireland, let them deprive him of his power, and bring back the people to their allegiance by doing them justice. Let them take his hon. friend at his word. He only asked justice for his country. Let justice be done, and then his hon. friend and himself, and every Gentleman in the House, would join in enabling the Government to put down any insubordination or lawless proceedings which might be attempted. The only step which the Government had taken towards doing justice to Ireland was the measure for a commutation of tithes; but that was nothing in comparison with the oppression which they had practised by filling the country with the army, and other proceedings. He hoped his right hon. friend, the member for Lambeth, would be allowed to move his Amendment, pledging the House to grant the necessary powers to his Majesty, provided a case were shown, and justice done. He should not further detain the House. If he had expressed himself warmly, it was because he felt strongly on the subject. He was greatly obliged to the House for the attention with which he had been heard, and should support the Amendment of his right hon. friend when it was moved.

Mr. *Robert Ferguson* said, it appeared to him that the hon. member for Middlesex proceeded on the supposition, that what had been, and was at present, was to continue. He could not take that view of the question. He stood in that House totally unconnected with the Government, and was as independent as any man in the House, but he, in his conscience, believed that Ministers would do for Ireland what the situation of the country required. Was Ireland to be governed by force? God forbid! Mankind could not be governed by force in the present age. But why should the House suppose that Ministers intended to govern Ireland by force? The words “additional powers” would bear another interpretation. He thought it was unfair and ungenerous to stop Ministers by this debate from carrying the Address up to the Crown. Was it possible that the Government could state what measures they intended to propose upon the Motion for an Address to the Crown? He placed confidence in the honest inten-

tions of Ministers, and thought that they ought to be tried by their measures. The House would not have to wait long before those measures would be proposed. Ministers, doubtless, were anxious to bring them forward. The charge of illiberality which had been brought against Ministers certainly surprised him. Would the House be filled as it was by liberal Members if Ministers were illiberal? Had not the present Government brought forward the Reform Bill? The hon. member for Knaresborough, who appeared to be well acquainted with Ireland, at least he was well acquainted with the priests—had advocated the introduction of the Poor-laws into Ireland. He (Mr. Ferguson) did not entertain so high an opinion of that system as the hon. Member appeared to do; but if the absentees could be made to contribute towards the maintenance of their starving countrymen, he should be very glad of it. In allusion to an observation which had fallen from the member for the University of Oxford on a previous night, he must express his opinion that Church property belonged to the State, and might be appropriated as the State thought proper. He concluded by recommending the House to place confidence in Ministers for a short period, and he should be bitterly mistaken and disappointed if they did not propose measures which would meet with general approbation.

Major *Beauclerk* felt it his duty, as a Member of that House, and the Representative of one of the most populous counties of England, to warn the House of the precipice to which they would approach, if they were to persevere in the course of conduct towards Ireland which was recommended in the Speech. He had, indeed, hoped that Ministers, on coming before the first Reformed Parliament, would have framed a speech suited to the taste of the people, and not one which was only worthy of being delivered to one of the old Unreformed Parliaments. It would have given him the greatest pleasure to have been able to support the Ministers if they had afforded him an opportunity of doing so, but he would ask how it was possible for Members who had been sent into that House in order to see retrenchment and reform carried into every department of the State, to give their support to a speech from the Throne in which retrenchment was never mentioned from beginning to

end? If there were one thing more than another to which the people of this country were looking, it was retrenchment. They were pressed to the ground by misery and poverty, which, if not equal to that under which Ireland was labouring, was greater than had ever been known in England before. It was the duty of Ministers to allude to the distresses of the people in the Speech from the Throne, and to express a wish that the House should take them into consideration with the view of applying such remedies as they might think expedient. The remedy would be the reduction of taxation, by giving up the overgrown establishments by which the country had long been oppressed. He could tell Ministers that the people expected that this would have been their conduct, and no person knew the feeling of the people of that part of the country with which he was connected better than he did. [*A laugh.*] That laugh would not intimidate an honest man. The Gentlemen on the Treasury Bench might be assured that he entertained no hostile feeling towards them; on the contrary, if he respected any set of men more than another, it was the majority of the Gentlemen who sat upon that Bench, though there were some amongst them in whom he could not place confidence. It was with great pain that he heard the ill-judged and unmannerly expressions—not to use a harsher phrase—which fell from the gallant mover of the Address; a more shameful attack upon an individual he never heard. He thought the hon. member for Dublin was unfairly dealt with, and, like his hon. friend the member for Middlesex, he believed that the right hon. Secretary was the real agitator. That was not an opinion which he had now for the first time taken up, for he had expressed it from the moment the right hon. Gentleman introduced his Tithe Bill. He had then declared that the Tithe Bill would prove a cause of great agitation, and until Ministers should bring in a better measure with respect to tithes, he trusted that the agitation would not cease; for the Irish people must be less than men if they bowed down to a system which no other country would endure. In Scotland were the swords of the people ever sheathed, except in the bodies of their enemies, until they had got rid of their grievances? Though he was not an Irishman, he had the feelings of one. He hoped that Ministers would pause before they forced the House

to a division which would excite painful emotions throughout the country. Within the last two days he had received, from all parts of the county which he represented, the strongest applications to resist, to the utmost of his power, the pledge which the House was called upon to give of carrying war into Ireland. That circumstance proved that the hon. member for Dublin knew little of the feeling of the people of England when he accused them, as he frequently did, of exhibiting no kindness or generosity towards Ireland. The hon. Member never made a more unfortunate statement than that, if he believed it. The people of this country felt as deeply for the miseries and distress of Ireland as they did for their own; and he would tell the right hon. Secretary, that if he could strike a dagger into the bosom of one country, it would extinguish life in the other. If the right hon. Gentleman knew the people of Ireland as well as he did, he must be aware that a more noble and warm-hearted people did not exist. The Government might do anything with them by kindness, but if it should carry English troops across the channel—if it should employ the English militia to shoot the unfortunate Irish in their woods and bogs like so many snipes, the right hon. Gentleman would soon find that his proud aristocratic spirit had been the ruin of his country. Knowing his Majesty to be a humane Gentleman and a Christian, he was surprised and grieved to find that something like kindness and gentleness had not been expressed in the Speech from the Throne. Surely one expression of kindness might have found its way there, for words cost nothing. Instead of such a proclamation as the president of the United States had issued to the state of Carolina, which was in nearly the same situation as Ireland at the present moment—instead of an expression of kindness, the people of Ireland were told that broadswords and bayonets were to be sent across the Channel in order to put them down. Nothing, however, would put down the Irish but justice and kind treatment. If the right hon. Secretary would go over to Ireland with some just Acts of Parliament in his hands, he might march in triumph from one end of the kingdom to another, and put every rebel in it to flight. Ministers had avoided all allusion to another important subject in the Speech from the Throne, which, if they thought it could be

passed over in silence, they were much mistaken—he meant the question of slavery in the West Indies. The people were looking anxiously to that subject from one end of the kingdom to another, and no one knew that better than the noble Lord, the Chancellor of the Exchequer. Under those circumstances, it was most extraordinary that not a word should have been said respecting it in the Speech from the Throne. The first ship which should sail from Liverpool with a copy of the King's Speech would excite a feeling of indignation in the West Indies, and if the Speech should produce revolution in those possessions, which was very likely, the bloodshed would be on the heads of the present Ministers, who had so often led the country to expect a satisfactory measure on this subject from them. He would not detain the House longer than shortly to notice one expression which fell from the right hon. Secretary, and which appeared to him to be one of the most unconstitutional that ever proceeded from the mouth of a person sitting on that bench. The right hon. Gentleman said, that against the Repeal of the Union he would wage war to the death. Was that fit language to come from the mouth of a Minister? If he (Major Beauchamp) had spoken in that manner, he should have been scouted as a radical from one end of the country to another. The expression meant nothing when it came from a Minister of the Crown, but it would be rebellious language if spoken by an honest Representative of the people. He would say this for the right hon. Secretary, that he did not think he intended to be the enemy of Ireland, but the system which he pursued was one which would ruin that country, and he entreated those who supported Ministers, if they possessed the feelings of Englishmen, to respond to the sentiment of the people out of doors, and unite in compelling the Government to withdraw that part of the Address which referred to the application of force to Ireland.

Mr. Hall was sorry Mr. O'Connell had thought proper to move an Amendment, for hereafter there would be more time and more fitting opportunities for discussing the matters referred to in the hon. and learned Gentleman's speech. He should support the Address, because he placed confidence in Ministers, judging them, as it was only fair to judge them, by their

past acts and their general public conduct. He hoped, however, in a very few days the right hon. Secretary for Ireland would come down to the House prepared to explain candidly and explicitly his views with regard to Ireland. If then the powers he sought for were too great—if they were incompatible with what he (Mr. Hall) thought advisable and necessary, he should most assuredly oppose the motion for granting them. He was sure that if something were not quickly done, we should reap a harvest of trouble and discontent. The chief object he had in rising was to express his regret at the tenor of the speech of the noble Lord who had moved the Address, and which, he must say, he wished had been more conciliatory. He called on the House not to act on the feeling which that speech displayed, and which he had no doubt the noble Lord felt he had expressed too strongly, and to direct all their efforts to one object, namely, the endeavour to restore happiness to Ireland. He was sure that all in that House wished to attain that object, and only differed about the means. He was certainly most strenuously opposed to the motion for the Repeal of the Union, and he was so, both for the interest of Ireland and of England. He was convinced, indeed, that as soon as Repeal of the Legislative Union commenced, so soon would begin the dismemberment of the empire. With regard to the question of agitation, he believed that there was but one remedy for that, and that was the improvement of the condition of the people of Ireland. One step towards that improvement was, to give Poor-laws to Ireland. He called on the Government to do that, and to adopt other measures to benefit that country, and when they had done so, when they had employed all their efforts to effect some good for Ireland, he should be ready to support any Administration which might be seated in that House in its efforts to put down every attempt at rebellion.

Mr. *Tancred* said, that it was his wish to support the Address, and he should certainly do so; but he desired, at the same time, to explain the grounds of his vote, in order that his conduct might be understood both in and out of that House, and throughout the whole empire. He had listened with the utmost patience to the eloquent speeches of those Members for different places in Ireland who had spoken on this occasion, to all who had argued as

the advocates for that unfortunate country; but he must say, that it was impossible not to observe that all had fallen into one common error. He must say, that in his opinion, all the hon. Members who had spoken in this discussion had committed the mistake of speaking of the evils of Ireland as if they were of a simple and not of a complicated nature. He was sure that that was not the fact, and he was convinced, therefore, that the remedy for them could not possibly be found in one act of the Legislature, let that act be in itself ever so important. He sincerely hoped that the evils of Ireland had been exaggerated by some of the hon. Members who came from that part of the empire; but if but one half of what they had stated was true, the remedies they had proposed were puerile. They were inapplicable—they were utterly inadequate. They had been told by the hon. member for Meath, of a state of circumstances which, if they really existed as that hon. Member supposed, would set at defiance the effect of the remedy proposed by some hon. Gentlemen; nay, indeed, would become infinitely worse by its application. The hon. Member had stated, that in a population of 8,000,000, only 1,600,000 were engaged in agriculture, that trade was utterly ruined, and that there was a mass of paupers of the most alarming extent existing throughout the country. Indeed, such must be the case with a population of above 5,000,000 of unemployed persons. All these persons must be in a miserable condition, and it was impossible that they could be relieved, and could be restored to a state of happiness or comfort merely by improvements in Grand Jury Acts, or by the repeal of Acts relating to trespasses, or any other partial measure of that nature. The hon. and learned Gentleman, the member for Dublin, had stated with truth that we were on the brink of a volcano. If only one half of what that hon. Member had stated was true, he should be willing not only to consent to suspend the *Habeas Corpus*, but to appoint the Duke of Wellington, or any other man in whom the country had confidence, to be Dictator of Ireland.

Mr. *O'Connell* spoke to order. He wished to know whether it was constitutional in that House to suggest the possibility of the appointment of a Dictator?

The *Speaker* begged to know to what the hon. and learned Member objected, and then he would give his opinion.

Mr. O'Connell: What? To the suggestion of the appointment of a Dictator over Ireland!

The *Speaker*: I am inclined to think that the hon. and learned Gentleman, in the warmth of his feeling, somewhat misunderstands what has been stated. There was no recommendation to appoint a Dictator. What was stated, was stated hypothetically; and, if I recollect rightly, it was only yesterday that some suggestion of the same kind was made with respect to a king of Ireland.

Mr. *Tancred* continued: The House and the hon. and learned Gentleman might be equally assured, that he had used the expression without the slightest wish to give offence to any one; and if it did give offence, he would not repeat the obnoxious name. He had only, in the course of his argument, wished to express the idea that he would appoint some great character in whom the country had confidence, and tell him to see *ne quid respublica detrimenti capere*. What were the evils from which Ireland really suffered? If they looked to other States, they might be able to trace the causes with sufficient certainty to give a general answer to the question. If they did so, they would find those States happy where there was a competition in the demand for labour, and those unhappy in which there was a competition for subsistence. In that manner he believed that New Holland and America might be said to be happy States, for there the power to labour insured the means of subsistence. But if, on the other hand, he desired to give an instance of the want of happiness arising from the want of employment, he did not know that he could refer to one where there was more suffering than in Ireland. For evils of this nature, as they were of slow growth, so there was not any exertion, of a legislative nature, that would instantly remove them. Such evils, too, would never be cured by agitation. He might refer to France for a proof of it. In that country, unhappily, every party in turn took advantage of any circumstance to create agitation; and whether Carlist or Buonapartist, or Constitutional, all thought they must have a *mouvement*. Within one week after the election of their present king, he believed that thousands of artizans assembled in the streets of Paris, and said: "We will have our *mouvement*; we have shed our blood for you; but where is the

benefit for us?" But their assemblage only increased the evils of which they complained; for if there was want of employment before, it was not likely it would be removed by agitation and excitement; and in fact it was augmented till that excitement had ceased. In the same manner, the remedy for the evils of Ireland could not be found but in the improvement of the condition of the people, by an increased demand for labour; and that improvement could only be gradually introduced, by furnishing the means of employing labour, by increased confidence, and an increased feeling of security among the people at large. Emigration alone, unless effected to an extent which he could not possibly anticipate, would have no such result. He believed that the course now pursued by some of the Irish Members would prevent all these advantages. If the wish of those hon. Gentlemen was granted, he believed that the ruin of the country would be consummated; and if it was true that we now stood on the brink of a volcano, he could foresee, quite clearly, that the prime agitator—the leader of the party—and those who implicitly followed him, would be, by the necessary consequences of their own act, precipitated into its crater. There was one hon. Gentleman, who had long sat in that House, but who was now, unhappily, not a Member of it, whose opinion he had consulted, and who had furnished him, at his desire, with some details to prove what was the real state of Ireland with respect to trade and agriculture. That right hon. Gentleman—he meant Sir Henry Parnell—had furnished him with the paper which he now held in his hand. It was drawn up by that right hon. Gentleman, and appended to a petition presented by him to the Grand Jury of the Queen's County—of that County that enjoyed numerous benefits, of which that right hon. Gentleman had been the author, but who, because he would not truckle to the popular delusion of the day, was, at a moment when the deepest interests to the country were at stake, rejected by them, and they found themselves with a Repealer in his stead. The right hon. Gentleman had furnished him with a statement, showing the relative exports and imports of the three years before 1800, and the three years before 1826. The paper showed the rate at which the increase of national wealth had gone on. The average imports,

in the three years previous to 1800, amounted to 4,790,000*l.*; in the three years previous to 1826 they had increased to 7,491,000*l.* The articles, by the exportation of which the agriculture of Ireland was benefitted, had also greatly increased in amount in the three years preceding 1826. The number of oxen exported in the three years before 1800, amounted to 14,105; in the three years before 1826, they amounted to 57,000. A similar increase had taken place in the number of sheep and swine, in bacon and ham, and in wheat and flour. In the last article, the quantity exported, in the three years before 1800, amounted to 24,077 qrs.; in the three years before 1826, it reached 375,781 qrs. The quantity of oats and oatmeal, in the three years before 1800, amounted to 320,474 qrs.; in the three years before 1826, to 1,301,182 qrs. He would proceed no further with these details; but he believed that the only practical relief to Ireland would be in nourishing these streams of wealth; and that as time flowed on they would increase in extent, till they covered and fertilized the land; and believing this, he could not but ask himself, what must be the object of those men who clamoured for that which, if granted, he was firmly convinced would prevent all these beneficial consequences? Did they believe, that if the Union were repealed, the Corn-trade to this country would be any longer suffered to continue open—that the present system of the importation of Irish produce and manufactures would be tolerated—a system which was now borne at a great sacrifice by the landed interests of this country, and which was submitted to only on account of the general good? If these advantages—and they were great advantages for Ireland—were destroyed, what must follow but a disorganization of society; and these poor deluded creatures, who, it was now said, were dying in ditches, would find their miserable number fearfully increased, and would come to seek a dreadful retribution on these gentlemen agitators. His reason for being willing to support the proposition for coercion, was to be found in those cases of violations of law put forth not by the Ministers, but by those who opposed the Address. The hon. and learned member for Dublin had talked of absenteeism as an evil. If so, were not that hon. and learned Member's thousand men—he hoped they were only “men in buckram”—more likely to drive

capital and men from the country, than to attract them to it, especially when it appeared that no age nor sex was safe there—that at least was the assertions of those hon. Members, not of himself; but there could be no doubt that every one of the evils they had described would follow, if the measure they recommended was adopted. That measure he should entirely disapprove, if it only occasioned those evils which had been so ably and eloquently described in the Statesmanlike speech of the hon. and learned member for Leeds. That hon. Member had proved—and there had been no attempt to disprove it—that its effect on this country would be most injurious; and even if there were no other ground—and, unhappily, there were many others most important to Ireland itself—he should, for one, feel bound to resist it.

Mr. *Cobbett*: If the doctrine of the hon. Gentleman who has last spoken be good, then there is no remedy at all for Ireland; and it would be as well to say at once, that a military dictation should take place, and Ireland be ruled in that manner. Why, however, in that case, such a fuss about parting with Ireland? If it be good for nothing, why not let it go? If she be the poor and worthless thing that the hon. Gentleman (Mr. Tancred) has described her, why not leave her to herself? You are monstrous loath to part with her. However, the hon. Gentleman has fallen into a great error. He has followed the steps of the hon. member for Knaresborough: but, besides this, he comes to us piping hot from the lectures of Sir Henry Parnell. The schoolmaster is abroad—abroad he is indeed—but, now, it seems, he is at home—and has been the tutor of the hon. Gentleman on the floor. There never was a falser doctrine in the world than that held up to us by the hon. Member. He assumes, that, because Ireland has exported more since the Union than before it, that therefore, in that same proportion, Ireland is more prosperous than before the Union; and the right hon. Secretary, taking the argument from the hon. member for Knaresborough, availed himself of all the advantage that could be derived from it, and the well-stationed and well-disciplined battalion behind him echoed and cheered what he said. What is the fact then? I lament to say that the hon. Member—[Mr. Cobbett here turned round and said inquiringly, “He is not here.”]—I lament to say, that my hon.

colleague is not here. He has documents to lay before the House, for the truth of which he is responsible, the truth of which no man can doubt, and which will show, that, in exactly the same proportion that the trade of Manchester increased, in the same proportion have the profits of the manufacturers, the wages of the labourer, and the comforts of the labourer decreased; and which will prove, that in these times of great prosperity, of which the hon. member for Leeds has spoken—there are at least 10,000 persons in Leeds not getting so much as 3d. a-day. [Mr. Macaulay: I never said one word about prosperity.] The hon. Member said, that he had the honour of being the Representative of a very prosperous community. He is the Representative of Leeds; and was not that saying, that that town was in a state of "great prosperity?" [Mr. Macaulay assented.] Now, I will pledge myself to prove, that there are 10,000 persons in that town who do not get 3d. a-day. My hon. colleague will bring the proofs which he has himself collected, and he will prove, that, at the peace, when there was a tolerable degree of prosperity, and the labouring people were doing pretty well, the importation of cotton (a third of what it is now)—the importation of cotton into Lancashire, or, may be, Manchester, (no matter for the argument) was then 6,000 bags a-week. Then the people were well off. When it came to 11,000 bags, which is nearly double, profits fell to one-half, and wages fell also; and when it became 20,000 per week, as it is now, he will bring you an account of 50,000 persons and in full work—of 50,000 persons in one district which he personally examined, he himself being a great manufacturer—my hon. colleague will bring you an account which he can verify on oath, of 50,000 persons in that district living on less than 2½d. a-day, and they in full work at the same time; so that the hon. Member must now draw conclusions hastily, that because trade has increased, happiness has increased also. He should not draw conclusions of that sort, for if he do not remember the fact I do, that there was a time when the minister of the parish, attended by the churchwardens and overseers, (and to stimulate our charity) came with the tax-gatherer at their back, and my answer was, that I had no charity for Irish landlords—for I knew that they would get it

after all. That was a time when there were 22,000 tons of oats brought from Galway, lying in the Thames, to be eaten by the horses of absentees, while from that same Galway we had an account of men dying from starvation. Well, then, these notions of the hon. Member are fallacious—they will not do. It must be humiliating for him to find himself so mistaken—but it must be still more humiliating after his opinions have been cheered with such exultation. "Aye, aye," said the right hon. Secretary, "there's proof of the false charges against the Union—he is a practical gentleman—he knows and understands what he says;" and in that way the thing went on most triumphantly for the time. Another error of the hon. member for Knarborough, which, if he had been attended to (but his moving from one part of the floor to the other prevented that), I should not have to answer, for the hon. Gentleman completely answered himself. That is a satisfactory way of arguing—rubbing out as you go. He said, that the real remedy was not the Repeal of the Union. I have not said one word upon the Repeal of the Union, for I do not know much about it at present, and it is a rule with me not to talk about a matter till I have had time to consider it, and till I think I understand it. The hon. Member said, the Repeal of the Union was not the remedy, but that the introduction of Poor-laws was—[Mr. Richards: "One"]—well, one of the remedies. Now, in the opening of the hon. Member's speech, was a complaint that the Ministers had not mentioned the distressed state of the working people of this country. The hon. Member referred to the noble Lord who moved the Address, and he said that the hon. member for Dublin had been accused of the crime of commission, and that he accused Ministers of the crime of omission—a monstrous omission—that they did not state the distress existing in England, forgetting all the while that there were Poor-laws in England! The hon. Member forgot this while he was calling for this remedy for the sufferings of Ireland! The motives of the hon. member for Knarborough were, I am to presume, very good; but he had not thought enough about the matter; he was swimming on the surface of the subject; and, at his and my age, we ought to take a dip into the stream of knowledge. We have had this subject discussed so

often, that the real Motion now before the House seems to have been forgotten.

"We have talked about it, and about it,
'Till e'en believers seem to doubt it."

I remember something that was said by the hon. Secretary for Ireland that pleased me exceedingly. He has given a criterion of the right of resistance—a criterion that I shall examine by and by—and it shows that a man should not be too confident in what he says, nor too hasty in pledging himself to anything. There is danger in it. A man should not say, "This is right, and that is right, and I will stand by it." I remember what once fell from the right hon. Secretary, for I admired it for the manner, but not for the matter. I dissented from the matter, and I said so at the time, and I am afraid he has not forgiven me for it from that day to this. The hon. member for Middlesex, then member for Aberdeen, made a proposition for curtailing the Church incomes in Ireland. The right hon. Secretary for Ireland, and a great authority, the present Lord Chancellor for Ireland, both laid it down as indubitable law, that Parliament had no more right to deal with the property of the Church than with the property of any private individual. I appeal to the parliamentary reports upon this point; they will bear me out, and I speak in the presence of 300 or 400 Gentlemen who must recollect that what I say is true. Yet the right hon. Secretary for Ireland, who made that declaration, who was so positive upon the subject, has before brought in a Bill or two, and has now told us he has taken credit for his intention, and has called upon us to arm him with powers for the purpose, that he means to bring in bills that will actually shake the Church all to pieces. He has found out, therefore, that Parliament has a right to deal with the property of the Church—that it is public and not private property. I do not charge him with anything wrong in this change of opinion: I only state the fact that he has found out that Church property is public property altogether. An hon. Gentleman on the back bench, I do not know for what place he sits, seems not to know how to distinguish between the two—it was private property, and yet it was public property. It was necessary, he said, to touch it, and yet to touch it would be spoliation, and the hon. member for Middlesex said much about the same

thing. I do not call taking that which I have a right to take spoliation, and the question is—has Parliament a right to deal with Church property as it pleases, or has it not? it did once, I know, deal with the whole of it; it took it from one set of men to give it to another set; it took away Tavistock and Woburn-abbey from the Catholic clergy to give them to the Duke of Bedford; and, if it could do that, can it not now take away parochial, and Dean and Chapter property, which stand upon a foundation very different from that of Woburn? I speak of Church property generally. It is quite clear that there is no spoliation in the case. Some contend that it is not spoliation if you only go to a certain extent; but what is that length, and where are we to begin, and where to end? The hon. Baronet, the member for Oxford, was quite right for his purpose, in saying, that Parliament had no right to meddle with it at all, and that it was spoliation; but on this point, although on no other, I am able to cope with the hon. Baronet, and I insist, and will prove, that it is the nation's property—that we have a right to do with it as we like—and that we are bound to do with it as may be best for those we represent. A great deal depends upon the term spoliation. Stigmatise it with the name of spoliation, and you gain much; but I defy the most impudent of mankind to bring forward anything more impudent in his whole career than to say this: "Do what you will with it—make it what you will, public or private, clerical or unclerical, but we will leave it all still in the families that have got possession of it." Gentlemen should, however, be told a tale they perhaps were never told before (for we come here to speak in plain terms, not to lard one another with flattery, whether high or low); that nothing is clearer than that Church property is public property, and nothing is clearer than that it is unjustly possessed by the aristocracy of the kingdom. Not above forty families hold all the Church property of Ireland; and I ask whether it is the interest of the Gentlemen of England to have their estates mulcted to the extent of two millions sterling, according to the calculation of the member for Middlesex, to maintain an army of soldiers to compel the payment of tithes to forty families? Does religion demand it? Does the religion of Jesus Christ demand it? No; it does not. I am, and always have been for

what some may call complete spoliation. In 1829, the member for Surrey presented a petition from me, praying that that which ought to be done might be done. If Gentlemen have sufficient leisure, I advise them to read that petition—and many a time have they turned with haughty disdain from that to which they have been compelled to listen at last—it was presented in May, 1829, and all the while the Catholic Relief Bill was passing I was exerting myself, as far as my humble means would allow, to ensure its success; but, at the same time, I was exhorting the right hon. Baronet, not to do the thing by halves, but at once to put down the Protestant Hierarchy in Ireland. I told him that there never would otherwise be peace for Ireland, and that the same scenes would be repeated after, as had occurred before emancipation. I insisted that there must be an end put to the hierarchy in some way or other, and that until an end was put to it, peace there never could be in that distracted, indignant, and justly indignant country. I now come to the pleasing part of my task. In these troublesome times, when some refuse to pay taxes, and others talk of resisting this and that, it is extremely desirable to have a criterion or standard of the right of resistance. It has been given to us, and I thank him for it, by the Secretary for Ireland. I read Blackstone with great attention, to see how far we might safely go, and I went over Locke and Coke, and some others, and even back to Fortescue for the same purpose. Blackstone leaves the matter doubtful; but the Secretary for Ireland has cleared up the doubt; he has afforded us a certain standard of the right of resistance, and as if his authority were not sufficient, we have the high confirmation of the hon. member for Leeds (Mr. Macaulay), as well as that of the noble member for Devonshire. They have told us that if any state of things arise here, similar to that in America in the year 1776 then we have a right to resist, and not before. Let us see how this applies to the case of Ireland. I hope it is not treason yet—although the Secretary for Ireland, or the member for Leeds, called the American a holy cause. They said that the Americans resisted, and that they had a right to resist, and they almost added that they rejoiced in the resistance and in its success. I never went so far as that. I have been called Republican,

Radical, Jacobin, Leveller. In the regular way of promotion I have gone through every stage—but never in my life did any man hear me praise Washington for that act of rebellion against his King. I would not have done it; and, least of all, if I had been the servant of the son of that King. But to return—the Secretary asserted that the Americans had a right to resist; let us see then what it was they resisted. The Secretary was mistaken; he thought the Americans demanded to be represented in the British House of Commons. They knew a great deal better. They never demanded any such thing; they never would have listened to any such proposition. They demanded their own Legislature, and the accusation against the Sovereign was, that he had attempted to interfere with the proceedings of their own Legislature. Now, Gentlemen of Ireland, let me have a word with you. I do not tell you to rebel, although the Secretary for Ireland praised rebellion, and said that it was lawful. I beseech you not to rebel. [*order.*] Why am I called to order? Is it disorderly in these times to beseech the people of Ireland not to rebel? Enough has been done, perhaps, to cause rebellion; but I entreat them never to rebel—never to suffer the devil to tempt them to think about rebellion, until they find some grievances like those the Americans complained of. How do I know what they complained of? Here is their declaration of independence: here is cause shown for their rebellion, and that cause has been declared by the Secretary sufficient. It was written by Jefferson and Maddison together, and it was signed by them, by Washington, and the rest. [*Mr. Stanley*—Washington did not sign it.] Well, that is a matter of no importance. It is a wonderful error, which, I suppose, is to invalidate all I have to say. It is so fatal an error, that my argument, founded upon the declaration, is to be good for nothing, although it is not of the slightest consequence to my argument. This is what the Americans complained of: “That the King of England has called together legislative bodies at places uncomfortable and distant from their residences.” That is one charge, and this is another: “That the King of England has made judges dependent upon his will alone for the tenure of their offices, and for the amount and payment of their salaries.”—I do not speak of the Judges,

but how far this is the case with the Justices of the Peace in Ireland, I cannot say. The Americans go on to complain, "That he has erected a multitude of new officers, and sent hither swarms of officers to harass the people, and to eat out their substance." Whether such is the case in Ireland—whether any people have been sent there to eat out the substance of the people, I will not take upon me to decide. The next accusation is, "That he has kept upon us standing armies without the consent of our own legislative bodies." Whether this applies now I know not, but at all events what follows will not fit: "That he has affected to render the military independent of and superior to the civil power." They have not affected that in Ireland; it is not affectation there. The Americans proceed: "He has combined with others" (meaning the two Houses of Parliament; and, what impudent dogs they must have been) "to subject us to a jurisdiction, foreign to our usages and unacknowledged by our laws, giving his assent to their acts of pretended legislation." The next charge goes even further: "That he has quartered large bodies of soldiers among us without consent." This ground of complaint I hope never can apply to Ireland. I trust that there is not a shadow of ground for applying to our present, this charge against a former, Sovereign. Then we come to the following: "For protecting the troops by mock trials from punishment for any murders committed on the innocent inhabitants." Let the right hon. Secretary for Ireland think of this! Let Irish gentlemen think of this! It is a short sentence but conclusive, and it speaks to us as with a voice from above: "For depriving us in many cases of the benefit of trial by Jury." Let us reflect that this justified resistance in the case of America according to the opinions of members of his Majesty's servants; but be it remembered also, that I never went so far in my life. That I never justified the Americans in taking up arms against their lawful Sovereign, whom for many years we called "the best of kings." In the conclusion of the declaration they apply to him an opprobrious name, which I will not repeat out of respect to his present Majesty and his family; and they wind up all their grounds of resistance by saying, that he had even endeavoured to deprive them of the benefit of the Trial by Jury. I pray you, then, Gentlemen, let

us not attempt to deprive our Irish fellow-subjects of the Trial by Jury, and thus afford them a lawful cause for open resistance. It has been several times put to the Irish Secretary, and to other members of the Cabinet, what they meant to do; and they have been asked, why they did not tell the House what was in contemplation? Ministers first demand the power of putting a halter round the neck, and then, perhaps, they may condescend to let us know what it is for. They never have whispered their intentions; and an hon. Gentleman said, last night, that it was quite prudent that they should keep the secret to themselves: he would contend that it was quite prudent to deprive the Americans of the trial by Jury, but not quite prudent to tell us what they meant to do to prevent the recurrence of similar calamities. Upon their own showing, Ireland is always to be thus. More and more power will be wanted, heavier and heavier punishments will be inflicted. Gentlemen on the opposite side have said, that there will be a concurrence of redress, and what they mean, I suppose, is, that redress should go hand-in-hand with coercion. It is impossible—the two things never can go together—there never can be any such concurrence. For my part, I should not wonder if orders had been already given, and if the masons and blacksmiths were already at work to prepare dungeons for the guiltless and unfortunate intended victims. I do not say that it is so, but that I should not wonder if it were; and I know that in 1817, the rapidity in this respect was so great, that people were astonished that so many were so quickly prepared. It would, at most, only occupy about eight-and-forty hours. Let me ask, then, is it to be the first act of this Reformed Parliament to pass a Castlereagh and Sidmouth measure? I trust to God it is not; but I trust, too, if it be to be carried by any means such as I will not express, that there will be men enough to resist the project—to oppose the intentions of Ministers, and to show the people of England, and the people of Ireland especially, that hope is not yet quite shut out, and that they ought to rally at the backs of those who have struggled for the preservation of their freedom. I said that I would not trouble the House long, and I will only occupy its attention for a few minutes longer. Perhaps what I have to say may not be very pleasing to some, but

I must make an observation upon the eulogium passed upon Lord Grey—for his generosity towards the Roman Catholics—for his zeal in their cause, and his sacrifices. If it were decorous for a Minister of the King to boast of his generosity in doing that which was absolutely necessary for the preservation of the peace of the country, I know that the boast belongs to somebody else, whose name has been rubbed from the corners of the streets, and another put up in its place. He did his duty, and has no right to praise. But Lord Grey—how did he do his duty? There are several young Gentlemen in the House who cannot recollect so far back, and who, I dare say, have been carried away by this boldness of statement. The hon. member for Leeds said, that for himself he could claim no merit; but what did Lord Grey do to deserve the gratitude of the people of Ireland? As nobody else will answer the question, I will—I will tell you what he did. First, he was serviceable to the Catholics, or would have been if he could, in preventing the Legislative Union in 1799; he was their friend—he deprecated that measure, and took all possible pains to decry it, and to put the people of Ireland out of conceit of it. He was, it is said, the friend of the Catholics in 1807; that was his great exploit; and let us see, then, the extent of his generosity. Now you shall have a true picture of what a Whig is—of what he is. Remember I do not hatch this term for use; it was employed by the member for Leeds, who said that a Whig Ministry had done so much for the Catholics of Ireland. Now, the Whigs were in power in 1806, and continued so until 1807, and they had always been in the habit of making use of the Roman Catholics, and putting them forward as a stalking-horse, behind which they were to slip into office; yet they would have been content to have sat warm in their places from January, 1806, to February, 1807, without troubling themselves with emancipation, as many were old enough to remember, if they could have done so. But the Roman Catholics reminded them, and worked them pretty constantly with telling them; “We served you at your need—we badgered your opponents—we cried you up and cried them down—and now you must do something for us.” Accordingly, at last the Whigs brought in the Roman Catholic Bill. It was not the work of the right hon.

Baronet (Sir R. Peel), or of the Duke of Wellington, but of the Whigs—the disinterested, the generous, the magnanimous Whigs. What was done? I wish I had here the two bills that I might compare them; but the Bill of 1807, as compared with the Bill of 1829, was what a pea is to a walnut. It gave to the Roman Catholics scarcely anything worth accepting, and even that was loaded by securities: it was nothing more nor less than a stupid measure—stupid enough for King George the Third to throw it out, and its framers after it. I hate insincerity worse than I hate downright brazen wickedness. I recollect the transactions of that time so well. The Whigs brought in the Bill, and after they had brought it in, they did not seem very willing to push it along, but Parliament compelled them to push it. It was read a first and second time, and every body thought it would be carried and all over in a month. But somebody or other advised George the Third to put a stop to it. He told the Whigs that it should not pass; and what did that Minister who brought it in do? Would I not rather go to plough and dig again, than consent to do what he did! The very Minister who proposed the Bill, in a flowery speech, and enforced its absolute necessity, only thirteen days afterwards withdrew it, and that House, which had cheered the Bill to the skies, had the baseness to permit him. He went out of office to be sure: he could hardly stay in his place after being so degraded; but he would have staid if he could: he wanted to stick to his place. And this Minister was no other than Lord Grey himself. The House may know that there is such a thing as a council-book, and there the Whigs entered that they hoped they should still be permitted to mention to his Majesty anything conducive to the good of the country. “Ha, ha! (said the King) what, what! cannot I get these fellows out?” He told them plainly, that unless they would sign their names in the council-book to a declaration that they would never mention Catholic emancipation again as long as they lived, he would not trust them. The Whigs well knew the consequences of signing it; they thought it better to walk out without giving, under their own hands and seals, a proof of their utter unworthiness, and which they knew would have been followed by their expulsion. They were therefore turned out to the infinite sa-

tisfaction of both Catholics and Protestants, from one end of the kingdom to the other. So much for the gratitude due to the Whigs. One word upon the subject of the Church. I am for totally and entirely abrogating, annulling, rendering frustrate, and of no effect, the Protestant hierarchy in Ireland. Nobody can misunderstand me I trust. I do not say so because I shall gain anything by its abolition, or by its continuance. I am no parson to receive tithes—and no Quaker to refuse for conscience sake to pay them; but I know that the putting down of that hierarchy is necessary to the happiness, peace, safety, and renown of this kingdom. It can be endured no longer with security to the kingdom, or to the King's Throne; therefore, as a loyal subject of the King, and a faithful Representative of the people, I declare my opinion against it. Look at the history of the Church, and in it you read all the great calamities of the country. This Church has created the national debt; it was incurred for the sake of the Church. It was the cause of the detestable, execrable, and accursed Septennial Bill; to uphold it the ruinous French war was undertaken; in short, to maintain it, as is proved by deeds and Acts of Parliament, one King was brought to the block, and another driven from the Throne. What it is destined next to effect I leave Gentlemen to determine; but I cannot sit down without expressing my gratitude to the House for the great attention I have received.

Mr. *Finn* did not intend to trouble the House, but after the allusions which had been made to the intentions of Ministers, he must protest warmly against the abolition of the Trial by Jury in Ireland which could only be intended to stifle public discussion. Hon. Members, when they talked of a Repeal of the Union, seemed to regard it as a matter wholly visionary. He remembered a conversation which he had with a friend a short time before he left Ireland, in the course of which that Gentleman said to him, how could his hon. and learned friend, the member for Dublin, expect that, in bringing forward a motion for the Repeal of the Union, he should find one man in that House to second him? How did the fact now stand? Were there not at the present moment as many as forty or fifty decided repealers in the House? And was it not equally true, that there were six-and-twenty more who were pledged to that

measure conditionally—who stood pledged, that if Government did not in the present Session—nay, very speedily—bring forward some measures calculated to redress the grievances of which the Irish people had just reason to complain, they would cordially support any proposition having that object in view? If that was a state of things to be regretted, the hon. and right hon. Gentlemen opposite had but to thank themselves for it; and, perhaps, in an unusual degree, their thanks were due to the right hon. Gentleman who filled the office of Chief Secretary to the Lord Lieutenant—a Gentleman who, from his position in the Government, had often many ungracious things to do, but, it so happened, possessed a singular facility of doing them in the most ungracious manner—and he had also eminently succeeded in rendering himself unpopular with both parties. But it was not matters of such small importance which had made the cry of repeal resound from one end of the island to the other, and which had placed the Government in this inconvenient position. If they sought to satisfy Ireland, they must have announced their readiness to touch the Church, and that announcement must instantly have led to their being opposed by 140 Tories within those walls. They had, however, made the announcement, but neither the announcement itself, nor the other communications with which it was accompanied, would satisfy the people of Ireland, or stifle for a moment the cry of repeal. But in meeting that cry, how did hon. Gentlemen on the other side act?—They confined themselves to taunting his hon. and learned friend, the member for Dublin, with not having brought the question under the consideration of the House, or of giving a notice upon the subject. He could tell them the reason why the question of repeal had not yet been brought forward. They had been told that a Reformed House of Commons would redress the wrongs of Ireland, and put an end to the system according to which the great body of the people paid a million a year for the maintenance of a church from which they derived no advantage. In fact, if Ministers expected to do any good with Ireland, they must touch the Church property, for nothing else would satisfy the people; and the moment they did that, they would lose the support of the 140 Tories who were Members of that House. The repealers had

been repeatedly asked, in the course of the present debate, why they had not brought forward openly the question of repeal? He would tell them why; because they wanted and expected justice without repeal. Let them give redress to Ireland; let them get rid of the Vestry Acts; let them abolish the tithes, and appropriate the million acres of land which were held in that country by the clergy for teaching the people what they had no need to learn, and then the question of the repeal would be settled. While upon the subject of the Church, he could not help advertising to the fact that so large a proportion of the good things of that establishment had fallen into the hands of the present head of his Majesty's Government; or, rather, he should say, had been placed at his disposal; for example, it had so happened that 20,000*l.* a year in the Irish church had fallen to the lot of the Premier's brother-in-law, the Bishop of Derry. The relatives of the noble Earl certainly did appear to entertain a great affection for office; and, as it would seem, to manifest upon all occasions a most happy and peculiar aptitude for the public service. True, it might be that they were all, to a man, eminently qualified for the posts they occupied; but was it to maintain officers so largely paid, and sinecurists so richly endowed, that the Irish peasant was to be robbed of the miserable pittance by which little more than life was sustained? It was in such a state of things as this that the executive Government called for fresh powers and for an accession of strength. Did any man, who possessed the slightest acquaintance with Ireland, suppose that any additional power was wanted by the executive for the purpose of maintaining the authority of the law against the poor? No; the object was but too apparent; the object of all these additional powers was nothing more nor less than to enable the executive authority to accomplish that which the persons now intrusted with that authority most earnestly desired, namely—to put down the agitators. As the pretext for effecting that project, they referred to the disorders of which Ireland was now unhappily the scene. He would not shrink from telling the Ministers, however, that unless they wished to fill the dungeons with the people, and thus to prevent them from discussing the evils which they endured, and from demanding redress, they would not cease to complain until

they had obtained redress. Let them not therefore be told to be contented in their present condition, for contented they would not be. How were they governed—how were their feelings and their religious peculiarities consulted? Why in some of the counties in Ireland, where there were twenty Catholics to one Protestant, there were three Protestant police-officers to one Catholic; and could it be said, that this was to be attributed to accident, and announced as justice and equal treatment? He could tell the House that those disorders would never cease, so long as the police force in that country was constituted according to the present model—so long as the members of it were one Catholic to three Protestants.

Mr. *Stanley*: I beg the hon. Member's pardon—he has been misinformed—such is not the fact.

Mr. *Finn* resumed. The authority upon which he made that statement was Parliamentary Returns laid before the House.

Mr. *Stanley*: When?

Mr. *Finn*: In the year 1825. He had made the statement from that which he considered to be authentic documents, and he should have been very happy to refer them to more recent information, if any later returns had been made. He could not, however; but it could not be disputed that the police force in Ireland was composed of materials selected in anything but an impartial spirit; and they could never hope to subdue the spirit of discontent in that country so long as that system remained unchanged; neither could an improved condition of the people of Ireland be expected, so long as 5,000,000*l.* of the substance of the suffering, but most industrious peasantry were wrung from their hard earnings, in order that absentees might reside where they pleased, and live in luxury and profusion. Indisputably the people of Ireland would never rest contented, so long as the absentee system prevailed; and it was equally true, that a native Legislature would not pass a single Session without imposing a heavy absentee tax of twenty-five per cent, or fifty, if it were necessary, for the purpose of bringing home those who were wasting the produce of laborious industry in foreign lands. The absentees took away five millions annually from the people there, and spent it amongst the people of England. He was afraid, from the indications which the present Parliament had

given, that they might vainly expect that the absentees would be compelled to do justice to Ireland. Look again at the inadequate manner in which the outrages which were committed on the people had been punished. In the trials for the murders which had been committed in the North of Ireland the Juries invariably acquitted the police; and the Government, though they knew the partiality which dictated these proceedings, refused to change the *venue* into another county, although they had the power to do so. The country, he contended, would never be at peace, so long as the police force was selected on account of sectarian considerations; for, as matters now stood, the police had a direct interest in promoting discontent and sowing division. To Gentlemen acquainted with Ireland, it must be well known that the magistrates contrived to make the police force a very convenient mode of providing for their natural sons, and it was, therefore, no matter of surprise that the great body of the people of Ireland should place no confidence in a body so constituted, and should declare their determination never to rest contented until that system was thoroughly reformed. It was a grievous error to suppose that the Irish people viewed or could be induced to submit to such a state of things. A distinguished individual had said of the Irish, that they were a people whom it was perfectly easy to lead with a silken thread, but that chains of adamant could not bind them. The hon. member for Leeds had talked of not suffering the member for Dublin to become more than a British subject, but he could tell that hon. Member that he (Mr. Finn) could never be induced to think himself less or lower than the hon. member for Leeds—he owed allegiance to none but to the King upon the Throne; and if he found the House and the other branch of the Parliament fail in the duty which they owed to the Irish people, his submission to their authority should cease. He never should forget the memorable declaration made by Mr. Foster, that in agreeing to the Union the Irish representatives, upon all questions affecting Irish interests, placed themselves in the disadvantageous position of one hundred against five hundred, and that they might be sure that in all such cases, the weakest must go to the wall. They were now in the most imminent danger of a civil war, and the

Government of this country would have to contend against fearful odds. The people might be poor, but then let it be remembered that they had nothing to lose. There was great wealth in England, let them not put these possessions in jeopardy. He must forewarn them that they had to contend with a tremendous population—a population of eight millions; and he implored the Ministry not to create an agitation which would bring on all the horrors of civil war—the reaction of which would produce consequences terrible to all. He told them, boldly, to beware how they passed the line: he had read Locke and Blackstone, and knew when passive endurance was at an end, and resistance was justifiable, and ought to begin—and he hoped that such a crisis would not be brought on. He deprecated the application of the Poor Laws to Ireland, for he knew the evils which they had entailed upon England. He begged to know from the right hon. Gentleman opposite, whether any secret service money was paid to the police in Ireland? The hon. Member after thanking the House for the attention with which he had been heard, concluded by again protesting against the employment of coercive measures for Ireland.

Lord *Ebrington* said it was not his purpose to trespass long on the patience of the House, but having been personally appealed to by the hon. and learned member for Tipperary, to explain how he could reconcile his support of the present address with a declaration made by him in the course of the last Session, he hoped the House would bear with him whilst he stated the grounds which induced him to give his vote in favour of the proposed address. If his Majesty's Speech had simply called for power to put an end to those outrages in Ireland (which were admitted on all hands to exist to a frightful extent, and which imperatively required the strong hand of the law to repress), without at the same time holding out any promise of a redress of grievances, he for one should not have been able to give the present Address his support; but when he looked to the words of the Speech with respect to Ireland,—when he found it stated that an inquiry was to be instituted into the state of the Irish church with a view to its reformation, and when he bore in mind the speeches made by his hon. friends below him, and by all those who were connected with Government,—when

he found that every one of them had promised that a full inquiry into the grievances which the Irish people suffered should be gone into, he certainly did not consider that he should be acting inconsistently with the declaration he made in the last Session of Parliament, if in giving the Government that confidence which he thought they had well earned from the present House of Commons, at least by their former acts, he did not attempt to forestal them by attempting to bring forward any measure of his own for a reform of the Church. He had certainly said, that if the subject was not taken up by any other person, he would endeavour to bring in some measure for that purpose, and conscious as he was of his own inability to grapple with a subject of such magnitude, he still should have been prepared to the best of his power to redeem that pledge, had he not found in the King's Speech, and in the reiterated declarations of the King's Ministers, an assurance that the subject would be taken up by them. He, therefore, thought, that if he had desired most effectually to mar the object in view, and throw obstacles in the way of its consummation, he could not have followed a better plan than by interposing with a motion of his own. What was it that his Majesty's Ministers asked of the House? Did they ask the House to give its assent to any specific measure of coercion; or to any specific measure of reform? Did they not rather ask the House to give them credit for an intention to bring forward a measure of reform with regard to the Church of Ireland merely until Tuesday next, when the noble Lord, the Chancellor of the Exchequer, had declared that he should be prepared to explain what that measure should be, and at the same time would call upon the House, if he should succeed in proving to the House that he had sufficient cause for demanding further powers to repress the outrages in Ireland, to strengthen the hands of Government by those powers? This, he thought, was not calling on the House to pledge themselves to any unreasonable extent, and he could only say, that if a similar declaration had been made, even by Ministers, who had not the claim which the present Government had upon the confidence of this Reformed House, he for one should not, in the present state of Ireland, object to wait a few days before he refused them his confidence. Many complaints had been

made, and in his mind very unreasonably, of the neglect of the representations and grievances of the Irish people in the British House of Commons. This complaint appeared to him somewhat singular, when he recollected the quantity of time that had been occupied in the course of the last three or four Sessions of Parliament in discussing the affairs of Ireland; and when he recollected even in the last Session of Parliament, engrossed as its attention was by the all-engrossing measure of Reform, how much time was then devoted to the consideration of questions relating to that country. But when Gentlemen talked of the grievances of Ireland, he must say, that it appeared to him that a very great portion of those grievances arose from sources over which the Legislature had no control. Could any legal remedies be found to prevent—he would not say English proprietors of lands in Ireland, but Irish proprietors, from absenting themselves from their domains? Was it in the power of legislation to compel men to reside upon their estates, or to expend money upon the improvement of them? The want of such an expenditure of capital was the great evil of Ireland. When there was so great a competition for land as existed in Ireland, was there any code of law, save that fanciful code of law proposed by Dr. M'Niven previous to his departure for America, which could save that country from all the evils attendant upon a peasantry of paupers? He was surprised to hear the eulogy which an hon. Member had passed upon that individual; but, leaving the justice of it out of consideration, all that he meant now to say of Dr. M'Niven was, that he had proposed to fix a maximum of rent in Ireland. Now, if the amount of rent could be limited by legislation, which he was afraid it could not, then might the condition of the poor occupiers of land in Ireland be materially ameliorated; but as long as the demand for land continued, so long would high rents exist, and the evils of Ireland be as great as they were now. The present question appeared to him to be argued by the Representatives of Ireland as if these coercive powers were demanded by Government for the purpose of levying tithes for the support of the Protestant clergy. He could not agree with them in that view of the subject. Was there no other object for which they might be demanded? Had they never heard of such

things as the Whitefeet outrages? Had not the hon. member for Waterford, at the very moment that he told them that his part of Ireland was in a state of comparative tranquillity, considering what had been its former condition—had not the hon. Member, he asked, told them that his estate was threatened to be made a scene of burning and desolation if he did not consent to discharge from it a steward, whose only crime was being a Scotchman? Had not other hon. Members from Ireland admitted to them that bloodshed and murder were daily occurring around them, totally unconnected with the levying of tithes? Such being the case, would any man be hardy enough to say that it was not necessary for the safety of the country, for the existence of social order, and for the security of life and property, that measures should be adopted to redress such outrages? The House had been told by several of the hon. Members on the other side, that the sole cause of all the disorders of Ireland was the denial of justice. He had listened with great attention to the debate, in the hope of hearing what measures those hon. Members intended to propose for the remedy of such a grievance. Hitherto he had listened in vain; but he still hoped to hear what those measures were, inasmuch as they might form some guide to direct the judgment of his right hon. friend below him. Of this he was sure, that as the grievances which had been stated to the House had not, even according to the statements of the Gentlemen who supported the Repeal of the Union, proceeded from the Union, so neither would a full and efficient remedy for those grievances, even according to the statements of the same persons, be found in a Repeal of the Union. On that subject he had, in the last Session of Parliament expressed his sentiments at some length. He had not altered his opinions since that time. He had then stated that feeling as he did the greatest horror at the idea of civil war, still if he were compelled to choose between the alternative of civil war, or of the dismemberment of the British empire, he would avow that, as a subject of the British Empire, he should prefer civil war. He considered the Repeal of the Union to be a virtual dismemberment of the British Empire, which would involve Ireland in ruin, in the first instance, and would afterwards involve England in the same calamities. He would go further

—he would say, that if he had to make a choice between such a connexion with this country as could be maintained by Ireland having such a separate legislature as the hon. Gentlemen opposite contended for, and a total and entire separation of England from Ireland, he would not hesitate to prefer the latter. In saying that, he did not intend to say anything disrespectful of those who took a different view of the subject. They had expressed their opinions as they had a right to express them; but one hon. Gentleman had held out to the House an intimation that civil war might be the consequence of our opposing the proposition of repeal. He felt it his duty to meet that intimation at once, and he would say—

Mr. *Finn* (interrupting the noble Lord), I did not intend to convey to the House any such meaning as the noble Lord has attributed to me, and my hon. friends near me tell me that my words did not convey that meaning. I only conceived a possible case, in which, if Government proceeded with their measures to a certain extent, they might produce the lamentable result of resistance.

Lord *Ebrington* was satisfied with the explanation of the hon. Member, and hoped that the hon. Member would acquit him of intentional misrepresentation. He rejoiced that His Majesty's Speech did call upon the House for a decided opinion upon the question of the Repeal of the Union. That point was the only point on which the House was pledged in the Address, and he had no doubt that the House would willingly declare its determination to maintain the Legislative Union between the two countries, and thereby to protect from dismemberment the integrity of the British Empire.

Sir *Robert Peel* said, as this was the third night of the debate upon the Address in answer to the King's Speech, he hoped he might congratulate the House on its now approaching the close of the debate. ["No," from Mr. O'Connell]. Well, then, if the hon. and learned Member denied that they were even approaching it, then there was no alternative but to admit that they were either going back or beating time, and making no progress whatever. He (Sir Robert Peel) should be unwilling to let this discussion come to a termination without making a few observations on some of the principal topics contained

in the Speech put into his Majesty's mouth by his Ministers. That Speech adverted to many topics of great importance. He thought that Ministers had wisely conformed to long established usage by forbearing to enter, in that Speech, into any minute details. He thought that they had wisely forborne from imitating the example of the American President, and from entering into lengthened disquisitions on public affairs, not because he did not think that full information should be given to the British Parliament on all topics of public importance, but because he thought that, on all topics on which information was to be given, it should be more minute and accurate than it possibly could be in a Speech delivered from the Throne. He did not wish to have their debates fettered by an expression of opinion from the Crown, and he deemed it more constitutional that Parliament should have its attention directed in general terms to public measures, than that it should receive a commentary from authority indicating the views and intentions of the Government. He thought it most important that the House should at length approach to some measure of practical legislation, and that it should consume as little more time as possible in mere debate. If the public did expect so much as Gentlemen stated from a Reformed Parliament, he apprehended that they expected something better than lengthened harangues which led to nothing. In the observations which he was about to make, he should not advert either to the charter of the Bank of England or to that of the East-India Company, although mention was made of them in the Speech. He should avoid all topics contained in it except those which were the proper and immediate objects of discussion—namely, those upon which the House was called on to pronounce either a qualified or a positive opinion. He was aware of the altered position in which he then stood before the House. He had been accustomed to address it, sometimes backed by powerful majorities, at other times supported by very large minorities. He had recently heard it made matter of boast that the Reform Bill had extinguished in that House the party to which he had the honour to belong. That might be ; he would neither admit it nor gainsay it ; but would leave individuals to the enjoyment they could derive from the

boast. He had, however, such confidence in the justice of the majority, that, though he should not attempt to conciliate its favour by adopting its opinions, or by abandoning one particle of his own, he was certain that he should meet, if not with its acquiescence, at least with an indulgent hearing. The subjects on which he felt himself called that evening to pronounce either a modified or a decided opinion, were three in number. They related to Reform in the Church, to measures connected with the restoration of tranquillity and the repression of disorder in Ireland, and to those which might be necessary to maintain inviolate the Legislative Union between England and Ireland. Those were the three topics to which he felt himself bound to confine his observations. With respect to the first of them, he was called upon to assure his Majesty, "that the attention of the House would be directed to the state of the Church, and that it would be ready to consider what remedies might be applied for the correction of acknowledged abuses, and whether the revenues of the Church might not admit of a more equitable and judicious distribution." Now, if his Majesty's Government, acting of course with the authority of his Majesty, deemed it incumbent to propose measures of which the professed object was to improve the stability of the Established Church, he could not refuse to enter into the consideration of them : and when they called upon him to accompany that consideration "with a due regard to the security of the Church as established by law in these realms, and to the true interests of religion," he inferred, at least he entertained a hope, that the interests, the rights, and the privileges of the Church were intended to be maintained in full vigour. Whether he should hereafter, when he saw those measures, consider that those interests, those rights, and those privileges, were so maintained, was a point on which he reserved to himself the full and entire right of judging, unfettered in the slightest degree by his present qualified acquiescence in the Address. He abandoned nothing of his discretion as a legislator ; and in giving his assent to this part of the Address, his intention was to protect the interests of the Church of England, not merely because he considered that, by endangering the rights and privileges of that Church other

rights and privileges would be endangered, but also because he considered that in the maintenance of them much higher interests—the interests of truth, of morality, and pure religion—were involved. With respect to the Church of Ireland—for he should make his comments with unreserve—he thought that the terms used both in the Speech and in the Address were vague and indefinite. He did not exactly understand the meaning of the words applied in the Speech to the Church of Ireland. It was stated, that “although the Established Church of Ireland was by law permanently united with that of England, the peculiarities of their respective circumstances required a separate consideration.” Now, the words, “separate consideration” were those to which he objected; he did not know what was meant by them. If the expression purported that there were peculiarities in the circumstances of the Church of Ireland which demanded the application of a separate principle to them, he viewed such a declaration with horror. But the expression might merely mean that the Government meant to legislate for the Church of Ireland by separate enactments, in principle the same with those to be applied to the Church of England, but modified in mere details to the local and peculiar circumstances of Ireland. Having himself assented to a Tithe Composition Bill in Ireland, when no such Bill was introduced for England—having also assented to several other measures of ecclesiastical polity for Ireland, which did not apply to England, it was impossible for him to deny the proposition that there might be peculiarities in the condition of the Church in the two countries, which might require separate legislation. He could not fail, however, to insist that the title of the Church of Ireland to its property and its privileges was the same as that of the Church of England. There might be a different distribution of the Church property, for the benefit of religion; but there never should be, with his consent, a perversion of Church property from its original uses. He hoped, therefore, that those who asked him to join in this Address did not mean to sanction the application of a different principle to the Church of England, and to that of Ireland. What that principle might be he could not tell; but if it were such as was stated by the hon. Gentle-

man near him, he would not only say that he could not agree to it, but that he would resist it to the utmost. “I see (continued Sir Robert Peel) the right hon. Secretary for Ireland before me [*“Hear” from Mr. O’Connell and Members in his neighbourhood*]—I say, I see the right hon. Secretary for Ireland—I am afraid of saying what I think of the conduct of that right hon. Gentleman; for, however impartial my testimony as a public man may be, I am afraid that, from the attacks so incessantly repeated, in order to depreciate the character of that right hon. Gentleman, my testimony might only increase the efforts which are made to ruin his reputation. Mine, however, is the independent testimony of an independent public man, and I only withhold the eulogy which I should otherwise bestow as his due upon the right hon. Gentleman, lest it should increase the numbers of his enemies. I have heard the right hon. Secretary often taunted with his aristocratical bearing and demeanour. I rather think that I should hear fewer complaints on that head, if the right hon. Gentleman were a less powerful opponent in debate.” The right hon. Baronet continued. He saw the right hon. Secretary holding place in the Councils of his Majesty—he recollected the Report of last Session on the subject of Irish tithes, of which the right hon. Gentleman was the author—he recollected that though the right hon. Gentleman thought that a different distribution of the Church property was advisable to supply increased spiritual instruction to the people of Ireland, the right hon. Secretary had said—at least he (Sir Robert Peel) remained under that impression—that he never would consent to the application of the Church property of Ireland to any but ecclesiastical purposes connected with the interests of that Church. Whether such was still the opinion of the right hon. Gentleman he could not say; all he knew was, that it was his own opinion. It might not perhaps be the opinion of the majority of that House, but it was his opinion, grounded on the belief that if long possession, and the prescription of more than three centuries, was not powerful enough to protect the property of the Church of Ireland from spoliation, there would be little safety for private property of any description, and still less for that description of public property which was in the hands of lay

corporations. So much for the grounds upon which he consented to that part of the Address which related to the Established Church. He must now approach that most afflicting subject, the present state of Ireland, and the measures which were necessary to repress the disorders which disturbed the country. He was asked to consent to measures of salutary precaution, and to intrust to the Government such additional powers as might be found necessary to extinguish confusion, to control and punish the disturbers of the public peace, and to afford protection to life and property in Ireland. Upon this subject he claimed the privilege of being able to form a disinterested and impartial opinion. He had never taunted his Majesty's Ministers for not proposing at an earlier period the measures of coercion which they now demanded. When others said that they ought to have applied for coercive measures he had been no party to the complaint. His language had always been; "Try the ordinary laws; there is great evil in coercive measures. You cannot rely on them for any permanent good, but there is great risk that they will relax the energy of the ordinary law, and that they will widen the breach between the richer classes, for whose protection, and the poorer classes, for whose punishment, they appear to be intended." It had been his duty, on more than one occasion, to propose the Insurrection Act, but he had always had a greater pleasure in proposing the repeal of that Act, or allowing its expiry than he had in receiving the additional powers with which the Act armed Government. Though he had felt the necessity of passing such an Act, he had never expected more from it than a temporary remedy for a single evil. He had always felt an apprehension that it would leave behind it a rankling wound, of which the soreness would long be felt. But thinking, as he did, that the Government had acted wisely in not applying at an earlier period for those strong coercive measures—thinking, as he did, that it was wiser for them to have an accumulation of evidence to negative the insinuation that they would seek extraordinary powers for the promotion of their own selfish ambition—avowing the sentiments which he had done as to the objectionable nature of such extraordinary powers, and, above all, wishing as he did to secure life and property in Ireland under the ordinary

law—still he could not refrain from saying that, upon the evidence before the public, there was a strong presumption that such powers were imperiously required by the emergencies of the State. He could therefore assure his Majesty, that he was ready to consider the case which he had no doubt Ministers would shortly lay before the House, and if the necessity was made out, to grant the additional powers for which they applied. On comparing the evil of permitting the present state of things to continue in Ireland, or rather of conniving, as it were, at its continuance by inactivity in repressing it—on comparing this with the evil of giving new powers to the Executive Government, in order to control the disturbers of the public peace, he thought the former evil preponderated. He trusted that, in the observations he had made, or in the observations he was then going to make, he should not give offence to any of the Irish Gentlemen near him; he did not wish to let fall a single expression calculated to excite an angry or an acrimonious feeling. Though an Englishman, he did not entertain a single feeling that was not friendly to Ireland. In the early part of his life, he had lived for many years in that country, he had received nothing but kindness, and he felt connected with that country by the endearing ties of hospitality and many personal friendships. He considered it, however, the part of a true friend not to mislead the people of Ireland by flattery, but to tell them honestly and candidly the truth. Now, the Gentlemen who objected to the granting of these additional powers said: "You are going to coerce the people of Ireland with severe measures." He would not pay the people of Ireland such a bad compliment as to confound them with those abandoned wretches whom those powers were intended to put down. It had been said by several hon. members for Ireland: "We abominate as much as you do the practices of the Whitefeet." He could not conceive that they could do otherwise, for nothing could be more atrocious than the tyranny which the Whitefeet exercised. It was a tyranny more oppressive to the poor than to the rich. It was not applied to the rich, who could either defend themselves on their estates by barricading their houses, and garrisoning them with parties of soldiers or police, or could quit their estates and reside in safety in some neighbouring town. The real tyranny

was exercised upon the poor man, who was anxious to conform to the law, and could not quit his humble residence, but who, for the allegiance and the obedience which he was ready to pay to the law, had a right to ask for protection, at least for his life. That was not an unreasonable request on his part, and if protection be not provided for him under the existing law—if he be not merely exposed to immediate danger, but was also exposed to the nightly fear that the murderer would visit him and his family before morning, he (Sir Robert Peel) did not see how the House could refuse to succour a man suffering from this dreadful species of oppression and tyranny. He had heard from several of the Irish Members strong objections to those laws, but he had also heard from them strong expressions of disgust and indignation at the atrocities they were intended to punish. There could be no doubt of their existence. If any proof were wanted, it might be found in the accounts which had been that day received from Ireland. An old man, who occupied two acres of land, for which he paid a yearly rent of 10*l.*, was called upon by a party of Whitefeet to abandon that land, though it was his only means of existence. He remonstrated with them on the injustice of their demand, and refused to give up his little farm. What was the consequence for not conforming to the arbitrary decree? He was visited with the usual penalty inflicted by the Whitefeet—Death. How could the House tolerate an outrage like that? It was not a solitary case: if it were, there would perhaps be no justification of new laws; for it might be better to permit a case of individual outrage to go unpunished than to suspend the Constitution. But crimes of this nature were on the increase; and if so, how could they reconcile it to the principles of justice to let human beings live without protection under such appalling circumstances? If the right hon. Gentleman's testimony on a former evening should be confirmed by further explanation and evidence, then a case would be made out which would justify the suspension of those forms which were intended for the purposes of justice, but which, if abused, became the height of injustice. On these grounds, he said, that if a necessity were made out, he should agree to the suspension of the ordinary law. He would go even still further—he would express a hope that the

new law would be made effectual to its purpose; he trusted that it would not labour under the double fault—first of being a suspension of ordinary law, and next of being ineffectual for its purpose.

He now approached a question of very great importance—the question of the Repeal of the Legislative Union with Ireland. He admitted that, upon that question, he was called on to pronounce, not a modified, but a positive opinion, and for one, he was determined, “to support his Majesty in maintaining, as indissolubly connected with the peace, security, and welfare of his Majesty's dominions, the Legislative Union between the two countries.” That was the proposition of the King's Speech; and he had the alternative of affirming that proposition by agreeing to the Address, or of agreeing to the Amendment of the hon. and learned member for Dublin. He could assure the hon. and learned Gentleman (Mr. O'Connell), that if he entertained a strong opinion against his amendment (and he did entertain a very strong one), it was not from any personal feeling against him. He was called upon by the Address to support the Legislative Union of the two countries—that was, he was called upon to support what he considered a fundamental law of the United Kingdom, and he was prepared to give his support to the permanence of that law. The hon. and learned Gentleman, it was true, gave him an alternative—that was, to do nothing at present, but refer the Speech and the Address to a Committee of the whole House. He, for one, wanted no time for previous consideration whether the Union should be supported or not. It was a fundamental law, a solemn compact, that had endured thirty years, and for its maintenance he was prepared at once to vote. If others doubted the policy of maintaining it, why did not they provoke discussion? If the hon. and learned Gentleman was disposed to make the subject a matter of grave discussion—if he wished to have it fully gone into, he should have been ready with a series of resolutions, and have been prepared to show, that by the Legislative Union of the two countries, England had shown great injustice to Ireland, or that the welfare of the latter country rendered the Repeal of that Union imperatively necessary. Some ground of this kind should have been laid before the hon. and learned Gentleman asked

the House to go with him into the consideration of the subject. Instead of that, however, what did his proposition amount to? Merely to this—that one Gentleman should replace another in the Chair; that they should go into a Committee of the whole House; but when they got there, would they be any further advanced? It was wished that the Address should be considered by the whole House in Committee. Why, the Address was already before the whole House, and all that they could gain by the form of going into the Committee was, that every Member, instead of being limited to one speech, would have the opportunity of making as many speeches as he pleased. Now he would venture to affirm, and would appeal to the deliberate opinion of the whole people of England to support him—that in whatever other qualities of a deliberative and legislative assembly the Members of that House might be wanting, in the disposition to make speeches they would not be deficient. He must say then, seriously, that that they could gain nothing to forward the object which the hon. and learned Gentleman had in view by going into Committee, and the hon. and learned Gentleman had not shown that any one point could be gained by it. [*An Hon. Member*: The question would be discussed there.] “Oh yes!” (continued Sir Robert Peel) “and it may be discussed now; and if you want discussion on the real merits of the question of Union, why is it that for two years you have shrunk from discussion, at least within these walls? Why agitate it elsewhere, and excite the minds of men on the subject, and not bring the matter fairly to issue in that House?” The hon. and learned Gentleman said that it should have been brought forward last year. Why had it not been introduced then? What hindered it? [*Mr. O’Connell*: The discussions on the Reform Bill.] “The Reform Bill? If that was the cause, why did not you also in common justice forbear from appeals elsewhere to the passions, the prejudices, the religious feelings of parties?” He had read accounts of speeches delivered by the hon. and learned Gentleman elsewhere, in which a fervent hope was expressed that the people of Ireland would once again enjoy their Parliament in its ancient place of meeting, and that the Members would proceed together to hear mass before they commenced their daily deliberations. But why,

he again asked, were all this excitement and all this agitation created about a matter which could be lawfully decided only in Parliament; and why had it not been brought forward there? Whose fault was it that it had not been brought forward? The hon. and learned Gentleman said, that it was owing to the discussions on the Reform Bill, but surely there was as much time for the introduction of that, as it was said, all-important matter, as there had been for the forty other questions which the hon. and learned Gentleman had brought forward, notwithstanding the discussions on Reform. It would not have been necessary to go to the trouble of preparing a Bill on the subject; the whole question might have been discussed on a short resolution: such, for example, as this—“Resolved, that the Repeal of the Legislative Union between the two kingdoms of England and Ireland would be consistent with true policy, and with justice to Ireland.” He should have been happy to have given the hon. and learned Gentleman any assistance in respect to the form of his Motion, to have aided him, if his aid would have been useful, in drawing up such a Resolution as would have brought the question to a final issue. But no attempt of the kind was made by the hon. and learned Gentleman himself. It could not have been, that he delayed the question from want of confidence in the late Parliament, for it was in the recollection of many Members that the hon. and learned Gentleman had frequently eulogized the late Parliament as one disposed to do justice. He did not support the Legislative Union between the two countries merely because he found it in an Act of Parliament—though it having become the law of the land, and so continued for thirty years, was not an unfair presumption that it was a measure consistent with the advantage of the two countries. He supported it because he believed the existence of that Union was for the undoubted benefit of both countries. It was said, that England had misgoverned, and had withheld justice from Ireland. Much was said of English severity, but not a word about Irish provocation. There was a studious concealment of just one-half of the truth, and the other half was greatly exaggerated. But the question—the practical question now was not—Did England in some remote time misgovern Ireland, or did she withhold justice from her?—But, had she,

since the Union, done justice to Ireland? Was there now a disposition to do that justice? Was there a fair assurance that that disposition would continue for the future? Let not hon. Members go back to the days of Strongbow—let them not roll back the stream of time for the purpose of reviving antiquated prejudices, and rekindling the slumbering fires of past contentions, over which the waters of oblivion had closed. Would it be wise in him at the present day to call to memory the atrocities of the great Rebellion of Ireland, in order to justify the acts to which the Government of that day had recourse? No. Their business was with the present time; they had to look to what was now passing around them ["hear, hear," *from Mr. O'Connell.*] He was glad to hear the hon. and learned Gentleman admit this. Then he would, as he was disposed to do, confine himself to the present day. And here let him observe, that if he could believe that the Repeal of the Union could improve the social condition of Ireland—so great a curse did he consider her present state to be—if he could believe, he repeated, that it could be improved by the Repeal of the Legislative Union, the belief would almost reconcile him to the measure. It was said that England had misgoverned Ireland for centuries. Why, the very fact of that misgovernment was an argument against Repeal. Misgovernment was the hard condition, twin-born with separate Legislatures. England could not govern Ireland well, while there was a separate Legislature. If the Irish Parliament had been really independent, there would have soon been an end of the connexion between the countries. To control the tendency towards separation, England had been obliged to establish an influence in the Irish Parliament, and to govern by corrupt influence. Let the Union be Repealed, and we should have one or other of these consequences; an Irish Parliament, with the mere semblance of independence, or an Irish Parliament really independent, and the empire dismembered. But let him ask those hon. Members who talked of the disposition of England not to do justice to Ireland, what interest had she in doing her injustice? If she were so disposed, it must be from some expected advantage, financial or commercial. England could gain nothing by having a set of bad Magistrates in Ireland, or bad Grand Jurors.

What possible advantage could it be to her that Magistrates should not administer justice fairly, or that Grand Jurors should misapply, or mismanage the money raised for local purposes in counties? If those hon. Members to whom he addressed himself, as entertaining the opinion of the disposition of England to act unjustly towards Ireland, thought that she was so disposed from expected gain in a financial point of view, let them call for Returns of the present amount of taxation in the two countries, for that was the business-like way of looking at the question. Let them call for a Return of all the taxes which were imposed in Ireland and not imposed in England, and next for a Return of all taxes imposed in England and not imposed in Ireland—let them call for an account of all the fetters and restrictions that were laid on Irish commerce, which were not also imposed on that of England—let them call for accounts of any exclusive restrictions on Irish trade and manufactures. He repeated, call for such Returns, and from them prove the fact; and if a case could be made out to show that such injustice existed, he was certain that the House of Commons would not only evince a disposition to remove it, but would suspend its ordinary forms to give more speedy redress. He would now come to another argument urged in favour of a separate Legislature—that which had been used by the hon. and learned Member (Mr. Finn), who had addressed the House to-night for the first time with much ability. He said, if Ireland had her own Parliament, she would be enabled to lay a tax of fifty per cent on the property of absentees. Why, what was that but spoliation of property? But suppose such an Act had passed the Irish Legislature, would the King of England, he being the head of the Executive of both countries, give his assent to it? Would he give his sanction to that act of spoliation against his English subjects who had property in both countries, and who chose to reside in one in preference to the other? If he should not—and that he would not there could be little doubt—then at once would come the conflict between the two countries. Again, it was alleged that the manufactures of Ireland required protection, and that a local Legislature would give it—against what? against English manufactures? Why that was the very question which was now convulsing, to its

centre, the Republic of the United States of America. Was it possible that an argument of that kind would meet the assent of the hon. member for Middlesex—the advocate for free trade in its most extended sense? But suppose that a Parliament sitting in Ireland were to adopt such measures—were to endeavour to protect its own commerce, trade, and manufactures, by imposing restrictions on those of England, was it to be imagined, that such restrictions would remain unilateral? Would England rest still, and see such attempts to cripple her commerce and manufactures? Would not petitions pour in from all parts of the country praying for similar restrictions on the commerce, manufactures, and produce of Ireland? Should we not soon hear of a tax on Irish corn? Was there anything very unnatural in this? Was it not to be expected, that if one commodity was taxed in one country, it would be followed up by the taxation of some article of commerce in the other? Then if there were separate systems of finance in the two countries, there would be separate taxation, and separate collections of revenue, separate revenue cruisers, every fruitful source of dispute by which the two countries would be constantly brought into angry collisions. It was not the mere amount of duties to be so collected, but the angry feelings to which they would give rise in both countries, which were to be dreaded. On these grounds he would repeat his assertion, that England had no disposition to injure Ireland. It was not only not her desire, but it was manifestly not her interest to do so. What interest could she have in maintaining a large army in Ireland? It would be decidedly to her interests and advantage that the public burthens should be reduced in that country as well as here. But she had given proofs of her disposition not to press hard on Ireland. He would take the case of the Poor-laws. It was not necessary for him to state that the support of the poor pressed heavily on England; and it was equally well known that her Poor-rates were greatly increased by the sums paid for the relief of her casual poor, a large portion of which consisted of Irish. It was, therefore, manifestly the interest of Englishmen that a system of Poor-laws should be established in Ireland; yet it was well known that English Members in that

House had forborne to press the subject, lest it should be supposed that they were imposing a burthen on Ireland from motives of their own benefit. Taking all these circumstances into consideration, he was prepared to support the permanence of the Legislative Union between the two countries. He would not say that he preferred a civil war; he hoped and believed that there would be no necessity for recurring to such means of preserving the Union. He would rather appeal to the affections and good feeling of the people of Ireland, acting under the conviction that the two countries had a common interest in maintaining the connexion. But in supporting the Address, which declared the permanence of the Union, hon. Members were not precluded from bringing the subject forward on a future occasion. They could call for the papers to which he had referred, and from those papers let them prove the alleged injustice, if they could. They had agitated the question for two years without bringing it fully or fairly before the House, and having omitted to do so, he thought Ministers were bound to take the first opportunity of the meeting of Parliament to call for its opinion upon it. Intimation had been given of another Amendment besides that of the hon. and learned member for Dublin, and if he was disposed to view the question as one of party, there might be astute reasons why he should support it; but after what he had heard, he was not disposed to do so, for he felt that the House was called upon to show, by an overwhelming majority, that it was not disposed to sanction a measure which would tend, not merely to legislative separation, but to actual dismemberment of the empire. He would not trouble the House further upon this head, but would briefly advert to another part of the Speech from the Throne. It was rather singular that up to this, the third night of the discussion of the Address, that part of the Speech relating to the foreign policy of the country, and involving such important consequences to our best interests, should have scarcely been made the subject of a single remark. He was aware of the intense interest excited by the matters which concerned our domestic relations; and, therefore, he would not occupy the attention of the House by entering into the subject of the foreign policy at any length. There were, how-

ever, one or two topics which he could not pass over without observation. His Majesty said: 'I have still to lament the continuance of the civil war in Portugal, which has, for some months, existed between the Princes of the House of Braganza. From the commencement of this contest I have abstained from all interference, except such as was required for the protection of British subjects resident in Portugal; but you may be assured that I shall not fail to avail myself of any opportunity that may be afforded me to assist in restoring peace to a country with which the interests of my dominions are so intimately connected.' He was exceedingly glad to hear those sentiments from his Majesty, but he was not a little surprised to hear them, considering that the war in Portugal never would have existed without the sanction of his Majesty's Government. It was very possible that his Majesty's naval forces had maintained neutrality off the coast of Portugal, but the Government of England had not been neutral, for if the ports of this country had not been open to one of the Princes of the House of Braganza, the civil war which now existed in Portugal would never have taken place. If Don Pedro had not been actually assisted by France, and countenanced by Britain, he would not now have had a footing in Portugal. He never could cease to blame his Majesty's Government for having thrown open the ports and arsenals of Great Britain to equip him for that invasion. He thought they were bound to adhere to that neutrality which they professed to maintain. But how, they would say, was that to be done? He would tell them. By enforcing their own municipal laws—by recalling all the British subjects in the service both of Don Miguel and Don Pedro. That was what they should do now, and what they ought to have done long since. Don Miguel, though he had passed through more severe trials than any prince in Europe, though he had met with the greatest misfortunes—his kingdom invaded—his best port taken possession of by an invading force, acting with the secret connivance of England and France, was not deserted by one of the people. According to the Whig principle, that the choice of the people is to be respected, surely, by this time, the choice of the people of Portugal

had been sufficiently evinced. And he thought, that seeing that choice had continued for five years steadily in favour of Don Miguel, it was the duty of England to recognize him as King of Portugal. With respect to the affairs of Belgium and Holland, he had the strongest feeling of the injustice done to Holland; and a strong conviction, that England, instead of advocating the cause of Holland, had acted as a party against that country. But there was another question connected with that subject, which bore upon our Constitution, and on which he wished to make some remarks. For the last three months an embargo had been laid on all Dutch ships and property in our ports, and orders issued to our navy to detain by force all trading vessels belonging to Holland. He doubted much whether this act was not inconsistent with public law, or whether the Government were justified, either as respected their own subjects or those of Holland, in detaining the ships of a foreign power, except in contemplation of actual war. He wished to know by what authority the King ordered the detention of these vessels? If injuries had been done by the Dutch to British subjects, and redress had been refused them, he admitted that there would be grounds for the proceeding; but he maintained, that where the seizures were not made by way of reprisals, such an act was not in conformity to public law. Perhaps his Majesty's Government thought, that because this was a great and powerful nation, and had to contend with but a small one, it might set aside the doctrines of public law. Without detailing the authorities who had written on this subject, he would merely beg to call their attention to the words of one writer on the subject, whose authority had been generally allowed. He alluded to Vattel, who said that for a prince "to grant reprisals against a nation in favour of foreigners, is to set himself up for a Judge between that nation and these foreigners, which no Sovereign has a right to do." Vattel proceeds: "Now what right have we to judge whether the complaint of a stranger against an independent State is just, if he has really been denied justice? If it be objected that we may espouse the quarrel of another State in a war that appears to us to be just to give it succours, and even join with it; the case is different. In granting succours against a nation, we

do not stop its effects, or its men, who are with us under the public faith, and in declaring war, we suffer it to withdraw its subjects and effects." But there was no war whatever with Holland, nor any contemplation of hostility towards her. Why then had an embargo existed for the last three months upon her ships—the ships of a friend, even an ally? The noble Lord (Palmerston) indeed declared, that to say a war existed with Holland proceeded from a mere wandering of the brain, a dream of the imagination; that the attack of Antwerp was no more than a civil ejection. If the attack on Antwerp, the twenty-two days' siege, was not a war, upon what principle had the embargo been imposed? Upon what principle did it still continue? There was, he presumed, no other Antwerp to be besieged. But even if there were, he denied that the Ministry could be justified, or sanctioned by the public law of nations, in seizing upon the Dutch ships. It was indifferent what engagements might have been formed with France or Belgium. They could confer no right to perpetrate an injustice upon another state. Indeed it was rather a heavy aggravation of the original wrong, that such conduct should be grounded on the existing state of relations between this country and France. He relied upon the public law of nations. Holland had done England no injury; there was no war, no feeling of hostility; and the embargo was, therefore, according to the principles of international law, perfectly unjustifiable. By what just exercise of the prerogative were the King's subjects debarred from trading with Holland? It was said, that this was necessary for the preservation of peace; but was not necessity proverbially "the tyrant's plea?" And if such a mode of argument were once recognized, law and justice would soon come to be superseded. For the last three months, commercial intercourse between this country and Holland was cut off. Now, he remembered the arguments urged by hon. Gentlemen opposite against the Alien Act. According to them, it was no less than a violation of Magna Charta, which guaranteed free intercourse with foreign nations. They denied that any alien, whether friend or enemy, could be sent out of this country. They further referred to Blackstone, who was quoted in order to show how prominent this right of intercourse stood amongst the principal pri-

vileges of merchant strangers. Blackstone said, "that foreign nations have a right, and that the prerogative cannot deprive them of that right, to enter this country; that so careful is the municipal law of the rights of strangers that there is no power or prerogative in the Crown to interfere." Montesquieu, also, held up the generous example of England, as worthy of all eulogy and imitation by other countries, of foreigners in amity with England to carry on a free intercourse with this country. But what now became of the eulogy of Montesquieu, if the King could by his prerogative stop the intercourse of a friendly nation with the people of England? All these authorities had formerly been quoted in support of principles which were now utterly violated.

The Address met with his general concurrence. Upon any minor points it was useless to remark upon an occasion on which perfect unanimity, or what was next to it, an overwhelming preponderance of opinion, was most desirable. It was his duty to support the Crown in relation to the measures for Ireland, and the support he gave was dictated by principles perfectly independent and disinterested. He had no other views than to preserve law, order, property, and morality. In the course he pursued that night, was to be found an indication of the course he meant to take on future occasions. It was not one adopted, as some might imagine, to recover office. Between office and him a wide gulph existed. He had no desire to return to place. He wished he could have said, that he reposed an increased confidence in the present Ministers; but that was not the case; he felt no disposition to place additional trust in them; his course, therefore, was determined solely by public considerations, without one view of personal advantage. The great change that had recently taken place in the constitution of the House justified and required from public men a different course of action. Formerly there were two great parties in the State, each confident in the justice of its own views. Each prepared to undertake the Government upon the principles which it espoused. All the tactics of party were then resorted to, and justifiably resorted to, for the purpose of effecting the main object—that of displacing the Government. He doubted whether the old system of party tactics was applicable to the present state of

things, whether it did not become men to look rather to the maintenance of order, of law, and of property, than to the best mode of annoying and disquieting the Government. He saw principles in operation, the prevalence of which, he dreaded as fatal to the well-being of society, and whenever the King's Government should evince a disposition to resist those principles, they should have his support, when they encouraged them, his decided opposition.

It had been said he was opposed to all Reform—the charge he directly denied. To Parliamentary Reform he was certainly opposed, but that he had been an enemy to gradual and temperate Reform, he flatly contradicted. When he heard the learned Gentleman speaking of the Jury Bill, and of that change in the practice in Ireland which took the nomination of Sheriffs from the Crown, and gave it to the Judges, he could not but recollect that of both those measures, he, himself, was the author. He was for reforming every Institution that really required Reform, but he was for doing it gradually, dispassionately, and deliberately, in order that the Reform might be lasting. He never would admit that the condition of this great country had been what it was described to be—a mass of abuse. He dreaded the disposition which was already manifested to throw everything into confusion—to shake all confidence by rash and precipitate legislation—by the foolish presumption, that everything heretofore was wrong, and that a Reformed House of Commons could set it right. The Order Book, already contained notices for new laws on every imaginable subject—for simultaneous change in everything that was established. The King's Government had abstained from all unseemly triumph in the King's Speech respecting the measure of Reform. He would profit by their example, and would say nothing upon that head; but consider that question as finally and irrevocably disposed of. He was now determined to look forward to the future alone, and considering the Constitution as it existed, to take his stand on main and essential matters—to join in resisting every attempt at new measures which could not be stirred without unsettling the public mind, and endangering public prosperity. It should be widely known, that the industrious classes could only subsist by public

tranquillity—by the existence of those habits of obedience, and that general order which would allow men possessed of property to bring their capital into operation, and that the welfare of the labouring—he would not say lower—classes was secured by the peaceful enjoyment of all property, and by avoiding those measures which must increase the apprehensions he was confident existed in the minds of capitalists. There were, he was aware, no means of governing this country, but through the House of Commons, and therefore he, humble as he was, was determined to take his stand in defence of law and order—in defence of the King's Throne, and the security of the empire—from motives as truly independent as those by which any Member of the most liberal opinions, and representing the largest constituency in the kingdom was actuated.

Mr. O'Connell rose to correct a mistake. It gave him the greatest pain to imagine that he was capable of casting reflections on any creed, but more especially on that of the very House which, when wholly composed of Protestants, had emancipated him. His expression was literally this, and no more—that he hoped to see the day when, as soon as the Protestant Irish Members set out from Christchurch for the House of Commons, in College-green, the Catholic Members would leave Townsend-street Chapel for the same place.

Mr. Ruthven moved an Adjournment of the Debate.

A Division on the Motion of Adjournment took place: Ayes 65; Noes 301—Majority 236.

A Motion was then made and negatived that the House do adjourn. The Ministers then consented to adjourn the Debate.

Debate adjourned.

HOUSE OF LORDS,
Friday, February 8, 1833.

MINUTES.] Bill. Read a second time:—Lunatics' Regulation.

POOR LAWS COMMISSION.] Lord Teynham wished to know from the noble Lord on the Woolsack, when the Report of his Poor-laws Commission would be ready?

The Lord Chancellor did not know why he should be asked such a question rather than any other of his Majesty's Ministers, or why the noble Lord should call it his

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Poor-laws Commission. He did not move for the Commission; its appointment was a measure of Government; and so far from his having any particular share in the business, he stated at the time that he was rather against the appointment of Commissioners, because he wished to legislate upon the subject at once. Since the appointment of the Commission, however, from communications he had had with several individuals, he had come round to the opinion, that the Commission was a desirable measure. The inquiries of the Commissioners had led to the attainment of most important, ample, and interesting information; and when their Report came before the House, probably the noble Lord would agree in his opinion as to the paramount importance of their labours. He was totally unable to state the precise period when the Report was likely to be presented, but he believed it would shortly be laid before the House.

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HOUSE OF COMMONS,
Friday, February 8, 1833.

MINUTES.] Papers ordered. On the Motion of MR. HUME, an Account of the Charge voted in the Army Estimates of the year 1832, for the Expenses of Garrisons at Home and Abroad.—On the Motion of MR. JERVIS, a Return of all Sums at the disposal of Municipal Corporations in England and Wales.—On the Motion of MR. O'CONNELL, a similar Return for Ireland.—On the Motion of MR. JERVIS, a Return of the Names and Occupations of all the Magistrates of Corporations in England and Wales, during the last twenty years.—On the Motion of MR. CURTEIS, an Account of all Prisoners in Jail in the year ending Michaelmas, 1832, distinguishing those who would be liable to the Punishment of Death, if tried then.

Petitions presented. By MR. RICHARDS, from Knareborough; and by MR. FINCH, from Coldhaverton,—for the Better Observance of the Sabbath.

LEGALITY OF AFFIRMATIONS—CASE OF MR. PEASE.] Mr. Pease, the Member returned for the southern division of the county of Durham, appeared at the Table to take his seat in the House. On the Clerk of the House tendering the printed forms of the oaths to Mr. Pease, the hon. Gentleman, across the Table, made a communication to Mr. Ley, the Chief Clerk, who immediately announced it to the Speaker.

The *Speaker* rose, and said, that he had to acquaint the House, that he had been informed by the Clerk that an hon. Member at the Table had objected to take the oaths.

Mr. *Pease*: I pray to be allowed to make my solemn affirmation.

The *Speaker* said, he was sure that the

House, and the hon. Member himself, would feel, that he was discharging no more than his imperative duty when he declared that, without the sanction of the House, he dared not suffer the hon. Member to make his affirmation. He was sure that the House would feel, as he felt, that not only the law and the privileges of the House, but also the personal interests of the hon. Member himself, were concerned, and that therefore it was necessary that a deliberate construction upon the law as it existed should be obtained. That construction could alone be pronounced by the House itself, and he hoped that the hon. Member would not think that he (the Speaker) was prejudicing his claim, if he requested the hon. Member to retire until the House should decide the question.

Mr. Pease withdrew.

Lord *Althorp* said, that the House had just been made aware that an hon. Member had declined to take the oaths prescribed by law, claiming the privilege, under certain Acts of Parliament relating to the people called Quakers, of making a solemn affirmation instead of taking the oaths; he therefore felt it necessary immediately to call the attention of the House to the circumstance. It appeared to him, that the best mode by which the subject could be settled would be by the appointment of a Committee; not to give an opinion (for on a question of such importance an opinion could only be given by the House itself), but to report what were the precedents upon the journals, and what the state of the law, as it referred to Quakers, in respect to their privilege of making an affirmation instead of taking an oath. The precedents were easy of reference, and the Acts of Parliament on the subject might possibly be cognizant to the House; but he thought it was desirable that they should be brought together, and a decision upon them given. It was not to be expected that every hon. Gentleman should be acquainted with them, and, therefore, full information should be laid before the House, in order to enable it to come to a proper determination. For himself, he could say that he had looked into the precedents and statutes bearing upon the subject, and he had found laws relating to the people called Quakers, provided in an Act relating to tolls for the navigation of the river Thames, and also in an Act for the prevention of infectious disorders amongst horned cattle. It was not

to be expected that other Members would look to such Acts, to settle the right of a Member to take his seat in that House, or making a solemn affirmation. Before the question was discussed, an investigation was necessary; and he should simply propose that a Committee should be appointed to inquire into and report the existing laws and precedents bearing upon the matter, and it would then be fully in the power of the House to pronounce its decision; and he hoped that he should be thought to be acting judiciously in not raising a debate on the subject until such information was before the House. The noble Lord concluded by moving the appointment of a Committee to search the journals and records of the House, and report the same, together with any Acts or parts of Acts of Parliament relating to the privilege of the people called Quakers to make a solemn affirmation in courts of justice where oaths are taken.

Mr. *Warburton* thought that the words of the Motion were not sufficiently comprehensive to include what was most important—namely, the construction put by courts of law upon the several Acts relating to Quakers, and which were to be found in the Law Reports.

The *Solicitor General* said, that the House would be put in possession of every point bearing upon the subject in the form the Committee had been moved for. There had been two decisions referring to the subject—one pronounced by Lord Chief Justice Holt, and another by Lord Mansfield, which would be brought before the Committee.

Mr. *Baring* concurred in the proposition of the noble Lord, the Chancellor of the Exchequer, and would not, therefore, protract the discussion; but he begged to ask, whether it would not be desirable for the Committee to inquire whether the hon. Gentleman, the member for South Durham, objected to the form of the oaths, or to take any oath.

Dr. *Lushington* said, that he had understood the hon. member for South Durham to object to taking any oath; and he (Dr. Lushington) could state as a fact, if it were necessary, that the hon. Member's objection was not to any part of the contents of the oath, but to swearing in any form.

Mr. *Baring* was satisfied with the explanation of the hon. and learned Gentleman.

Mr. *Cuthbert Rippon* did not intend to manifest any disrespect to the House by opposing the Motion, but he rose to express a hope that the day was not far distant when any individual returned to that House by upwards of 2,000 electors of this country, would be permitted to enter the Legislative Assembly without such difficulties as in the present instance had arisen. He believed that there were many Gentlemen who considered the oaths to be inefficient and injurious,—inefficient, because the man who would speak falsely would swear falsely; and injurious, because it gave, under the colour of an oath, the semblance of truth to that which was false. He trusted that as little delay as possible would occur before the electors of Durham would be informed that the doors of Parliament were opened to the individual whom they had selected to represent and maintain their interests and their rights.

Motion agreed to, and the Select Committee appointed.

FACTORY REGULATIONS.] Lord *Morpeth*, after presenting a Petition from Denby, in Yorkshire, against Negro Slavery, stated, he wished to take the first opportunity of offering an explanation of two Notices which appeared upon the Order Book. He admitted that, after the noble Lord, the member for Dorsetshire, had given notice that he should revive Mr. Sadler's Bill, he (Lord Morpeth) had given notice, for a previous day, of a different measure it was true, although upon the same subject-matter. He believed there was nothing in this contrary to strict parliamentary usage, but he should be very sorry to fail in parliamentary courtesy to any Member of the House. He wished the House, however, to be made quite aware of the circumstances of the case. He had stated publicly and repeatedly to a constituency, among all classes of which this question was one of vital interest, and he had announced the same intention to several other gentlemen in districts similarly interested, that if Mr. Sadler, in whose hands the subject was unquestionably placed, should not have a seat in this Parliament, he would charge himself with the responsibility of bringing it forward. He had been in his place with the view of giving the requisite notice at the earliest moment at which he had ever known notices given—four o'clock, on the day of the King's Speech; but owing to the un-

precedented time at which they had been given on Tuesday, he found his noble friend had obtained this casual priority. Now, as he knew no one who would feel on the subject more warmly, or work it better than his noble friend, it became a question not of persons but of measures. As he (Lord Morpeth) believed in his conscience, that the Bill of Mr. Sadler was not satisfactorily adapted to accomplish its own most righteous ends—as he knew, further, that if it was again introduced, a demand would be made to send it again to a Committee up-stairs, (and he did not see how that demand could be resisted, inasmuch as, by an arrangement to which Mr. Sadler and the whole of the last Committee were parties, it was agreed that Mr. Sadler should first call his evidence and go through his case, and then that the opponents of the Bill should call and go through theirs, and when last Session ended, Mr. Sadler's case was just concluded, and his opponents' not commenced)—for these reasons, he thought it most desirable that the experiment should be made, whether, previously to the re-introduction of the former Bill, and the re-appointment of the former Committee, a measure could not be suggested which, while it should secure all the essential objects of protection to the helpless children, should so far obviate objections as to reconcile all the leading parties, and bring to an immediate issue this afflicting subject. He would not allude to the noble member for Dorsetshire's want of connexion with any manufacturing district—that might or might not be a recommendation; but as it had been imputed to him (Lord Morpeth), that he was only the instrument of the masters in this business, he thought it right to state, that although he felt it his duty to be accessible to information and advice from all quarters, he did not believe the manufacturers had a notion of what it was his intention to propose, and that he had found them as little disposed to employ dictation towards him as he was to demean himself by submitting to it.

Lord Ashley was happy to hear the declaration of his noble friend, and felt satisfied that nothing discourteous had been contemplated on his part. Looking to the evidence which had been adduced before the Committee of last year upon the subject of infant labour, he (Lord Ashley) had felt it his duty to call the attention of the Legislature to the subject;

intending to carry forward a measure of a similar nature to that proposed by Mr. Sadler last year, with a view to afford protection to those helpless individuals who could not protect themselves.

Mr. *Horatio Ross* had served on the Select Committee which had been appointed last year, and he hoped the noble Lord would at least introduce a more cautious Bill than that proposed by Mr. Sadler last Session.

Mr. *Strickland* supported the prayer of the petition, and confining his support to its object; he trusted, notwithstanding the difficulties of the question of Negro Slavery in the West Indies, that the subject would be brought to a speedy and satisfactory termination.

An *Hon. Member* observed, that whatever might be the measure for the relief of infants passed by the House, the thanks of the country were due to Mr. Sadler for having been the first to bring forward the great and important question.

Mr. *O'Connell* could not remain silent on this important question, notwithstanding the maxim of non-interference between master and servant. There was, however, a maxim in law that minors should be protected, and the law was bound to protect them. It was truly horrible to read the evidence adduced of the nature and extent of infant labour in factories, if that evidence was true, and it was not contradicted. He joined in the entreaties put forth to hon. Gentlemen to read that evidence, and a measure such as proposed would most certainly have their support.

Sir *John Hobhouse* said, that since the year 1825, he had repeatedly brought forward the subject, in fact, no less than three times. He rejoiced that the subject had again been taken up, and particularly as regarded the number of hours of infant employment. He hoped that the House was in possession of full information, and would not go prejudiced in any way to the consideration of the question. After reading the evidence already before the House, two opinions could not be entertained, but he trusted that, after all due attention, the question would be once for all set at rest in a manner that neither masters nor servants could complain of.

Mr. *Andrew Johnston* said, the prejudices of the country had been most strongly, and not very justly, directed against the manufacturers. The consequence of the outcry was, that they had

been prevented from making such arrangements as would probably have satisfied all parties. The manufacturers ought, in common justice, to be allowed an opportunity of laying their case before the country.

Lord *Ashley* was willing to believe that all the mill-proprietors were anxious to relax as much as possible the labour of the children. He conceived, nevertheless, that the children required the protection of that House. They ought not to be employed more than ten hours a-day.

Lord *Morpeth* claimed to say this for himself, that his connexion with the manufacturing districts had neither warped his mind nor deadened his feelings with reference to this subject. He would give the best possible assistance to ameliorate the situation of the children, and, at the same time, to secure every protection for trade.

An *Hon. Member* was convinced, that many of the statements made on this subject were greatly exaggerated; and he conceived that the manufacturers should have an opportunity of entering on their defence, which had not yet been granted to them.

Petition laid on the Table.

ADDRESS IN ANSWER TO THE KING'S SPEECH — ADJOURNED DEBATE.]
Lord Althorp moved the Order of the Day for the resumption of the Adjourned Debate.

Mr. *Ruthven* said, it was not his intention to trouble the House at that length of which they were, perhaps, apprehensive. He should, however, fail in the duty which he owed to those by whom he was sent into that House if he did not address them. That was his sole motive, for there could be little personal pleasure in addressing them, since he could add little to what had already been said by those who had spoken on the subject of Ireland, especially to what had fallen from his hon. and learned colleague, the member for Dublin. In all that had been said by that hon. and learned Gentlemen he fully concurred, he should not, therefore, dilate on those subjects which he had so ably illustrated, but confine himself to remarks on the observations of the Gentleman who had spoken on the other side of the question. The Irish Members were charged with having brought forward this question for the purpose of attacking his Majesty's Ministers. That, however, was not the

case. The King's Speech, which in reality was the speech of the Ministers, exhibited a feeling against Ireland which no honest Irishman, entertaining opinions similar to his, could hear without dissatisfaction. He did not attempt to throw disparagement upon those Gentlemen of his country who differed from him—they were, he believed, influenced by strong feelings, and honest, but prejudiced minds, but for his Majesty's Ministers there was no excuse, they ought to look honestly and deliberately at the state of Ireland, with a view of lessening her grievances rather than of exciting additional discontent. They knew, unfortunately, but little of that country, and they appeared to take no steps to gain correct information. How did they expect to obtain correct knowledge from avowed partizans, prejudiced Magistrates, hired policemen, and subordinate placemen, or what was worse, those who were in expectation of places. Was it to be supposed that through such polluted sources Englishmen would have anything like the plain and unvarnished truth? What could Ireland do whilst she was thus treated—what but appeal to the general consideration and calm deliberation of that House? Such, however, was far from the mode intimated by the Speech from the Throne—his Majesty's gracious Speech, he supposed it must be called. In the days of no Reform it was the fashion to bring down to that House a Speech which was supposed to be the Speech of the King, but was, in reality, that of his Ministers, and then that Speech was replied to by an Address—written, brought forward, and supported by the very men who concocted the Speech. But was this fashion to be continued in a Reformed Parliament, was it to be endured that such a system should continue? The Address was not of such a nature as the people of Ireland had a right to expect; and it seemed indeed to be the prelude of a civil war. It looked warlike, too, that it should be moved by a noble Lord in a military costume. He was not one to speak disparagingly of the character of a British officer. The noble Lord's predecessor in the representation of Perthshire, was one of whom he would always speak with respect. Sir George Murray had always spoken in terms of great kindness of the Irish nation, and he was not disposed to forget that right

hon. Baronet's conduct towards Ireland. Was Ireland always to continue a prey to locusts, that feed upon the people's honey? The question of the Repeal of the Union was one which ought, and which must be agitated; but the Speech from the Throne seemed to put a barrier against the consideration of it. It was impossible to keep Ireland in a state of oppression, such as it had continued for so many centuries. Rather than remain in such a state, the people of Ireland would exemplify the Spanish proverb, and would have "war to the knife." They would have "war to the death." The language which had been addressed to them was not fit to be addressed to men; and he was sure it was not fit to be addressed to Irishmen. They might be convinced, but they would not be easily conquered. Ministers deceived themselves they would never be able to conquer Ireland. He trusted, however, that Ministers would make such a change in their policy in time, that "war to the death" might not be the unhappy lot of his unhappy country. Was it not a lamentable fact that the most unpopular man whom they could have made choice of in England, had been sent to govern Ireland. It was, to say the least of it, a very disrespectful thing to the Irish nation. Was such conduct a way to show their Christian feeling towards their Irish brethren? Was that the way to reconcile the differences which had prevailed in that country? What was the system pursued in Ireland? Had they not found that the Clergy had rendered themselves most unpopular by their collection of tithes? Was it not a known fact that hay, which had been seized from the farmer had been purchased for a trifle, and actually burnt before his face. Who then, he would ask, had been the cause of injury to Ireland? Why his Majesty's Ministers, who, by supporting a system which brought the Church of Ireland into contempt, placed it in array against the feelings and interests of the country. His Majesty's present Ministers, in his opinion, had done more harm to Ireland than any single Administration which had ever preceded them. They had done everything almost that was possible to bring the two countries into hostile collision, and to prolong those dissensions which had already proved so injurious to both countries. They had spoken a great deal about reforming the Church; but

they had given but a poor specimen of the manner in which they intended to effect that object. Let them look to the present mode of disposing of Church patronage. The brother or brother-in-law of the Premier had been recently appointed to the see of Derry, without a view to any other consideration than his relationship. He wished to state fairly on that subject that he understood the right reverend Prelate had been appointed to that situation with an understanding that he was to be subject to any new regulations introduced relative to the Church Establishment. This intimation he looked upon as a preparatory step to a reduction of the Church Establishment, which they were told was to take place. The people, the radicals as they were called, were told that they were to have a Church Reform; it was held out to them as a boon, in order that they might the more readily concede to Ministers the powers which they sought for. He would certainly never allow the measures which Ministers contemplated for the oppression of Ireland to be passed in that House, until the people of England were made acquainted with the nature of the plan; but he would tell his Majesty's Ministers that the suspension of the *Habeas Corpus* Act would be of no service to them in a country like Ireland. He could not place that confidence in them which would warrant him in giving such extraordinary powers into their hands. He was sorry to hear one of the house of Russell advocating such measures. After all that had been promised, he heard not one word of kindness towards Ireland uttered by any of the Ministers. Expressions, indeed, which were anything but consolatory had been applied to his hon. and learned colleague, the member for Dublin; and the Repeal of the Union had been objected to, because it would have made him the leader of the Irish Parliament. But he did not see why that should be any argument against him. It was only the more creditable to his hon. and learned colleague, if his talents enabled him to be the leader of the Irish, or of any other Parliament. He would ask why, if his hon. and learned friend possessed talents and abilities for such a situation, and had the confidence of his countrymen, should he not fill it? He wished that certain noble Lords opposite possessed equal talents and ability to fill their stations, as were possessed

by his hon. and learned friend, the member for Dublin, to fill his. The right hon. member for Inverness, who last night favoured the House with his opinions on the state of Ireland, had for some time filled the office of Secretary in that country. That right hon. Gentleman had told them of the uniform kindness and regard which he felt for the Irish people, and the sympathy which he felt in their distresses, and yet he (Mr. Ruthven) had to complain that the right hon. Gentleman had never originated one kind act towards that unhappy country. Besides, it was worth remembering that after the right hon. Gentleman had quitted office, no less than 1,400 letters complaining of the distresses of Ireland were found unopened in his office. He must next allude to the punishments inflicted on persons accused of political offences, and particularly to that of Mr. Hodnet; who had been locked up at four o'clock in the day, and kept without pen, ink, or paper. He would say little of Sir George Bingham, the officer who commanded the military employed to disperse the Tithe Meeting, on account of which Mr. Hodnet was imprisoned; he wished to speak of him with respect. Many promises had been made to Ireland, but no attempt had yet been made to improve the system of Irish Juries; and, in his opinion, justice would never be properly administered, unless Jurymen were selected by ballot. The hon. member for Leeds (Mr. Macaulay) had talked of his hon. and learned colleague (Mr. O'Connell,) skulking from the discussion of the Repeal Question, but if such expressions were again used, the individual using them would learn a lesson which would prevent their being repeated a third time. He observed, that it was to agitation they owed Reform, and that the Ministers had themselves been agitators. They owed the Reform Bill to the votes of the members for Ireland. It was a curious way to reconcile Ireland, by letting loose the Attorney General, his devil, and his inferior imps upon her. Did the right hon. Chief Secretary suppose that the danger of complete disorganization to which Ireland was exposed could be averted by any Act of Parliament such as he intended to propose? The most laborious inquiry ought to be instituted into the state of Ireland, for the purpose of applying the best remedies to the various evils by which she was

afflicted; for his Majesty's Government were bound to prove that this United Parliament was better calculated to do justice to the Irish people than an independent Irish Parliament. It was painful to observe the manner in which the House had received the statements of the condition of Ireland. For instance, he was sorry to hear the laughter occasioned by the story told the other evening by the hon. member for Knaresborough, of his having met in the coach from Liverpool to London, an Irish Protestant Clergyman, who had been compelled to leave Ireland, and take up his residence in the neighbourhood of London, in consequence of having been twice shot at in his neighbourhood.

Mr. Richards: The House laughed at me, not at the story.

Mr. Ruthven was by no means inclined to charge the House with a want of kind feeling. Adverting to the speech which had been made last night by a right hon. Baronet who had formerly held a high situation in his Majesty's Councils, he confessed his conviction, that the greater part of that speech was calculated to be more generally beneficial, and to do that right hon. Baronet more credit than any speech which he had made while he sat on the Treasury Bench. The statements of the right hon. Baronet were greatly in favour of the Parliamentary Reform which had just been effected; for he had observed that the House was formerly divided into two contending parties—Whigs and Tories, each of which took up a kind of military position, and contended for the possession of the loaves and fishes. The right hon. Baronet now, however, described himself as an independent Member, whose duty it was to support the Crown, when, in his opinion, the Crown ought to be supported, and to defend the rights of the people when those rights were attacked. Nothing could be more laudable. The right hon. Baronet, however, fell into a mistake when he spoke of attempts being made to ruin the character of the right hon. Chief Secretary for Ireland. He denied that such an attempt was made by his hon. and learned colleague or his friends. They entertained a great respect for the talents of the right hon. Gentleman, and for the rank and large possessions of his family; but they regretted that, notwithstanding those talents, and notwithstanding the rank and

property of his family, the right hon. Gentleman had adopted the doctrines which he professed — doctrines which would approximate him to the character of the Minister of a tyrant, if the Viceroy of Ireland could be a tyrant.

Mr. Fitzgerald said: Much as I feel it my duty to my constituents not to give a silent vote on the present occasion, I should not, perhaps, at this advanced state of the debate, trespass on the time of the House, were it not for the observations which fell from the noble Lord, the member for Devonshire, last night when he fairly enough called on the Irish Members to state, in an explicit manner, what they considered the grievances of that country, and the remedies for them. I shall endeavour to do this in as concise a manner as I can; but I must first observe, that I was in hopes that the notoriety of these grievances was such that his Majesty's Ministers would have stated their determination to remove them before they called for extraordinary powers to put down the discontent and disorder naturally arising from the very existence of such grievances. If they had done so they should have had my support, and they would have insured, I dare say, the unanimous feeling of this House, in the Address now before us. I consider, Sir, the great grievances of Ireland are to be found in the payment of the tithes, in the want of employment, and destitute state of the poor, in the mal-administration of justice in many cases, and in absenteeism. From the great bulk of the people differing in religious tenets from those of the Irish Church, the payment of tithes is generally resisted, and is looked upon as a tax so unjust in its principle, so unnatural in its operation, and so vexatious in its details, that no man who wished the contentment of a people, but would desire its extinction. But let it not be supposed I would wish it to be transferred from the parsons to the pocket of the landlord. No such thing; I would have a certain fixed rate substituted on the land, to be applied as a provision for the infirm and destitute poor, as may be arranged hereafter. As to the administration of justice I would say, that giving us the certain method of having impartial and unprejudiced Juries is the grand point, as minor details would soon follow. These, in my mind, would be the grand panacea for the great evils of Ireland, and would soon restore tranquillity to that distracted country. The noble

mover of the Address has stated (and truly I am sure) his satisfaction, as a Scotch gentleman, and that of his countrymen, at their present connexion with England, and thereby he infers that we of Ireland should be equally so; but I will put it to the candour of the noble Lord to say, is the comparison a fair one, or are the people of the two countries similarly circumstanced? There is this, indeed, in common between them, that the great bulk of the inhabitants of both countries dissent from the tenets of the Church of England, whose members are thinly scattered, and who, in some districts, are not to be found at all. I wish I could push the analogy further. I would ask the noble Lord, do the Presbyterians of Scotland pay the tithe of their land to maintain the ministers of the few Episcopalians that are amongst them, or is there an enormous extent of Church lands applied to a similar purpose? He must answer both in the negative, and yet both are the case in Ireland. Again, I would ask him, does not Scotland enjoy the full benefit of the British laws? Is there one *Habeas Corpus* Act for England and another for Scotland? No, there is not;* it is only for unfortunate Ireland that this distinction is reserved, and of which degrading circumstance we were reminded last Session by a noble Lord high in office. Can it be wondered, therefore, that the people of Ireland are discontented? Put them on an equal footing with their fellow-subjects, as reason points out they should be, and then I will venture to say they will be as content as their good neighbours of Scotland are. And with respect to the Repeal of the Union. I will only say this, that if his Majesty's Ministers are astonished and displeased at the extraordinary rapid progress this question has made of late in Ireland, they have only to lay much of the blame to themselves, for it is beyond a doubt, that owing to their measures of late, and particularly those of the last Session, many entertained the subject that never before did so. In the first place, the Arms Bill aroused the indignation of many; then the Venue Bill, which, with some of the measures of the Executive in Ireland,

* The hon. Member in this passage, labours under a slight mistake, the English *Habeas Corpus* Act does not extend to Scotland. The Scotch have their "*Act anent Wrongous Imprisonment*" which is somewhat similar to the *Habeas Corpus* Act, but not the same: By some Scotchmen it is preferred to the English Act:

did, to my own knowledge, make many wish for a change of legislation who would not otherwise have thought of it. Why, Sir, there were two highly respectable Gentlemen of the country, with title, station, property and worth, who were deprived of their Commissions of the Peace and Deputy Lieutenancies of their respective counties, for no other offence than that they presided at a meeting to petition this House for redress of grievances. These are the kind of acts that have spread wide the wish for domestic legislation. Let the Government do justly and effectually; let them regain the confidence of the people, and it may stop at least its further progress, and perhaps bring back many to their former opinions. I regret being opposed to the present Government, for of their general policy I approve. I am thankful for the great improvement our Representative system has received from them. The noble Lord at its head has been the friend of public liberty, and the frank and honest assurance of the noble Chancellor of the Exchequer, that we should have the benefit of the Jury Bill, as well as his general character, entitles them so far to my gratitude. But I should not do my duty to my country if I did not also say, and I do it with every respect for the talents of the right hon. Secretary for Ireland, that I do not think he is the fittest man to hold the charge of the affairs of that country. He has been promoted, and justly I dare say, to a seat in his Majesty's Cabinet, which opens such a field for an honourable ambition, that it is natural to think he cannot give a due attention to the affairs of Ireland; and I will put it to this House if they are not of sufficient importance to call for the undivided attention of any man? The hon. member for Middlesex justly said, that the more circuitous the route was to arrive at justice, the greater the probability that the result would not be satisfactory. I am come here as a country Gentleman to support what I may conceive to be best for the general interests of the country. I care not from what side of the House such measures emanate, I will vote for them, and in like manner oppose what I may conceive to be prejudicial. I shall be glad when the measures of Government are such that I may give them my feeble support. The present is not, in my mind, of that description, and therefore I vote against it; for though I approve of a por-

tion of the Address, I never can give my aid, but, on the contrary, must most solemnly protest against coercive measures beyond the ordinary power of the law being applied towards Ireland, or indeed to any other portion of the realm, until I see that the just and proper remedies are applied to remove the existing grievances.

Mr. *John Browne* said, that he had listened with the greatest attention to all that had fallen from the opponents of the Address during the three evenings on which the House had been engaged in the discussion, but that he had heard nothing from them to induce him to give any countenance or support to the Amendment which they proposed. He could not support it, because it appeared to him that the hon. and learned member for Dublin had not laid any ground for it. The hon. and learned Member had enumerated the grievances under which Ireland laboured, but his remedies were quite insufficient. The hon. member for Waterford (Mr. Barron), who, in his excellent speech, had described the heart rending distresses of the Irish people, had also suggested a remedy which was very different from the remedy of the hon. and learned member for Dublin. The learned Gentleman urged Repeal of the Union as the specific for all Irish grievances. But the hon. member for Waterford, with greater reason, contended that the only remedy for the distress of the Irish peasant must come from the first contributions of the Irish landlord to provide for his employment and support—in a word, must come from the establishment of a system of Poor-laws. He, for one, cordially concurred with the hon. member for Waterford, and was ready to apply, as speedily as might be, a system of Poor-laws to Ireland, to which it appeared to him most extraordinary that the hon. and learned member for Dublin was opposed. It would seem, then, that there was some inconsistency among the hon. Gentlemen opposite. They all admitted the evil, but they differed as to the remedy. He certainly did not approve of coercive measures in the abstract, but there might be exceptions to this feeling. When hon. Members talked of suspending the Constitution, the House should see which party it was that had really suspended the Constitution. The people of Ireland had, he lamented to say, already suspended all that was valuable in the Constitution—the Trial by Jury—the protection that law should

afford to life and property. Trial by Jury was now a mockery in that unhappy land ; and all crimes, even the most obnoxious in the eyes of God and man, were left unpunished, because Trial by Jury had been made a mockery. He knew these doctrines were not palatable here, and were not likely to be favourably received ; but he would never bend before the storm. He would not shrink from proclaiming himself a friend to the connexion between the two countries. And, to gain an idle popularity, he was not prepared to do that which he felt would be injurious to the best interests of his country. Those hon. Gentlemen who said that they conceived the present laws sufficient to restore tranquillity, did yet, with a signal inconsistency thus, in the same breath, protest against the constabulary force by which these laws were put in execution. He had, in circumstances of difficulty and danger, frequently acted with the police in his Magisterial capacity, and he felt it his duty to say of the police, that in the execution of the law they had acted with discretion, humanity, forbearance, and all the other virtues belonging to persons to whom powers such as they held were committed. In the county which he represented (Mayo), a system of terror and disturbance prevailed to the most dreadful extent ; and the hostility was not directed, as some would insinuate, solely against the gentry ; but in a still stronger degree against the poor peasant, who was honest and industrious, and obedient to the law. For a freeholder to exercise his franchise in favour of a candidate not supported by the friends of discord was a sin of the deepest dye in the eyes of those who were driving the country into rebellion. He could state one case, in which a peasant near him was, for the mode in which he voted at the late elections, so harassed, so worried with apprehensions for his life, that at night he was compelled to abandon his house, and take refuge in the woods and caverns. Some time before he (Mr. Browne) left Ireland, this man called on him, and said : " I do not know what to do. I have not got money to go to America—and I am in constant terror for my life. Last night I was obliged to sleep in the vestry-room of the Church." He could make very many statements of this kind, which would fully justify any suspension of the present mockery of the Constitution which prevailed in Ireland—for such it must be con-

sidered, when no man was protected by it. He uttered these opinions not with any view of sharing in the loaves and fishes (to use the words of an hon. Member), but because he considered that, in the present disorganised state of the country, it was the duty of every Representative to state that some strong measures must be taken to restore tranquillity. Coming, as he did, from Mayo—a county suffering under a horrible system of terror and excitement—he conceived himself bound to stand forward on the present occasion. He admitted that penal laws never would attach the people to the Constitution ; but this was a general proposition ; and here, it must be admitted, there was a great exception to it. Trial by Jury, and the protection to the people growing out of it, was, as he had before stated, a mere mockery. He felt that a time had come when the Legislature must interpose, and introduce strong measures, in order that they might be temporary.

Mr. *Rorke* complained of the inconsistency of the members of his Majesty's Government and their supporters since they had taken their seats on the opposite benches. In England they were Reformers—in Ireland coercionists. During the recent election for the city of Dublin, they supported two Conservatives, while, at the same time, they patronised two reforming candidates for the University ; and he rejoiced to say, that in both cases they received their defeat. They adopted an anti-union policy abroad. In Belgium they were anti-unionists, while they were unionists at home. Abroad they were anti-unionists even to the death—they were unionists at home even to the death. When the right hon. Secretary for Ireland pleased again to indulge in the expression of such sentiments as those to which he had given utterance the other night, he ought to reflect that he was a member of a Government which set an example of the doctrine of mediation to the rest of Europe. They were the prime mediators. They set the example of mediation to the other European states, and they knew not how soon their conduct might be followed up by their allies. The question of the Repeal of the Union had been attempted to be brought forward for discussion by the Ministers themselves. They had attempted to drag the hon. and learned member for Dublin into the arena for the discussion of that question. As it appeared to him that

the question was likely to become a fashionable one, and as he had been a repealer for the last few months, he would read an extract from the speech of a noble Lord in the other House, which might have more weight than any arguments which he could use. The speech from which he was about to make a quotation was one made by Lord Byron, in the debate on Lord Donoughmore's motion for a Committee on the Roman Catholic claims, April 21, 1812. In that speech the noble Lord said: "Upon the consequence of your not acceding to the claims of the petitioners I shall not expatiate; you know them; you will feel them; and your children's children, when you are passed away. Adieu to that union, so called, as *lucus a non lucendo*—a union from never uniting, which, in its first operation, gave a death blow to the independence of Ireland, and in its last may be the cause of her eternal separation from this country. If it must be called a union, it is the union of the shark with his prey; the spoiler swallows up his victim and thus they become one and indivisible. Thus has Great Britain swallowed up the Parliament, the constitution, the independence of Ireland, and refuses to disgorge even a single privilege, although for the relief of her swollen and distempered body politic."*

After the brilliant campaign of 1832, the army having retired to winter quarters, and the conquerors resting from their fatigues of triumph, his Majesty's Ministers came to that House to ask for new reinforcements, in the shape of coercive measures, to enable them to take the field again, and enter upon another career of glory to defeat the poor and wretched people of Ireland. He agreed with the hon. member for Middlesex that the arch-repealer was the right hon. Gentleman, the Secretary for Ireland. He regretted that the King's speech, in asking for new powers, had not added a few lines of an encouraging nature as regarded the future. He should have voted for the Address if the Speech had accompanied the demand for additional powers with promises of some measures of conciliation and redress. As it was, he must vote against it.

Mr. Peter meant to vote for the Address, which he most certainly would not do, were he not convinced that measures for the redress of the grievances of Ireland

would go hand in hand with unavoidable measures of coercion; but believing, on his soul and honour, that the one was as necessary to its present state as the other to its future peace, he felt himself bound to support Ministers in their intended measures. He did not form his judgment on the state of Ireland by the reports of newspapers, but on the evidence of the hon. and learned Gentleman, and the friends who surrounded him; and, in that evidence, there was enough to satisfy him of the correctness of the vote he purported to give. He was impressed with a deep sense of the wrongs of Ireland, and was prepared to go as far as any man to redress them. No honest man who knew any thing of the facts could deny that the Grand Jury system, the Vestry-cess system, and the magistracy of that country, respectively, demanded inquiry and redress. That a whole nation should be taxed for the support of a hierarchy foreign from the religion of an overwhelming majority of its inhabitants—that a half-starving peasant should be compelled to give up his tenth potato for the support of a Church he never entered—was an imposition, which, disguise or palliate it as they would, was flagrant injustice. He feared that it was too true, that the channels of justice in Ireland were poisoned at their source, and that the complaints of the frequent corrupt conduct of its Magistrates was but too well founded. He believed that the party spirit by which some of the Irish Magistrates were too often influenced, had been productive of the most mischievous consequences; that many lives were lost unnecessarily; and that if more blood was not spilled, it was much more owing to the forbearance of the military, than to the discretion of the Magistrates. It was, however, unfortunately much more easy to point out the corruptions of the magisterial system in Ireland, than to remedy them; for such was the prevalence of party influence in Ireland, that it was impossible to find persons free from the prevalent spirit of faction fitted for the magistracy, should the present corrupt holders be removed from their offices. But neither the abuses of the Church Establishment, nor those he had just alluded to constituted, as had been observed by the noble member for Devonshire and the hon. member for Banbury, the only grievance of Ireland. There were other ills, which, unless remedied, all the coercion in the world would be

* Hansard (first Series) xxxii, p. 651.

it would rest with the House to withhold them. Putting that interpretation upon the words of the Address, he should certainly support it. Although he might, perhaps, have been better pleased if a less degree of irritation had been evinced by the noble mover of the Address, yet he must forgive him, for he could not but feel that it was impossible to consider the question of the state of Ireland as entirely unconnected with the conduct of the hon. and learned member for Dublin; and, however painful to his feelings it might be to hear personal observations made upon himself, and however painful it might be to Members at that side of the House to make such observations, yet, if the hon. and learned Member would put himself foremost in every agitation in Ireland the moment he left that House, how was it possible for him to call upon the House, not to name him when the state of Ireland was brought into consideration? In that House the learned Gentleman never once lent a helping hand to the passing or carrying into operation any measure proposed by Ministers for the relief of Ireland—no, not one. His sole occupation was prophesying evil consequences as sure to follow from the measure, be its character what it might. Yes, be the measure what it might, the learned Gentleman was sure to prophesy that it would not give satisfaction to the people of Ireland; his next step being to take care, from the moment he left that House, that no efforts should be wanting on his part to have his prophecies realized. And after thus invariably doing his best to oppose the beneficial measures of the Government, he turned round and denounced them for not having done any thing for Ireland, and the House for entertaining harsh language respecting his conduct. As the hon. Member who spoke last truly observed, the accumulated ills of centuries could not be remedied all at once; and as the learned member for Dublin was compelled, though perhaps unintentionally, to admit, that the time of public men had been, for the last two or three years—that was since the accession of the present Administration—so engaged with the Reform Bill, that no other great measure could be thought of. The learned Gentleman alleged, as an excuse for not having himself proposed some measure of relief for Ireland during the last two years, that his time was wholly occupied with the Reform Bill. If that excuse be valid, as

it ought to be with him, why not extend it to those Ministers who night and day had to watch the progress of that measure, and who had to contend with an unparalleled tenacity of opposition? He regretted that so much of the time of the House had been so engrossed by that part of the King's Speech which alluded to Ireland, to the total neglect of that which referred to the Church Establishment in this country, and without any reference to the state of the English poor. He was glad, however, that the Poor-law inquiry which was instituted last Session was in progress, as he expected much benefit from its labours. With respect to the Church of England, which had been, with two exceptions, very different in tone and spirit—the speeches of the right hon. Baronet (Sir R. Peel), and of the hon. member for Middlesex (Mr. Hume)—wholly overlooked in the present Debate, the promised Reform in that institution was intimately connected with our agricultural interests. If the hon. members for Ireland were eloquent in depicting the sufferings of the Irish poor, the English Members might have rivalled them in holding up the wretchedness to be found among the English poor; but such eloquence was ill fitted for a deliberative senate. He trusted that the Reform of the Church of England pointed at in the King's Speech would be of such character as to confound its bitterest enemies with those who panted after its total subversion, and who so often vaunted that to touch the fabric was to pull it down. Let them, by their careful and anxious legislation, confound its enemies, and convince the members of the Church of England that its best friends were those who would lop off its abuses, and show that alteration was not synonymous with destruction. With respect to the question of the Repeal of the Union, all he would then say was, that he entirely subscribed to the arguments so eloquently adduced against it by the hon. member for Leeds, and that he thought them unassailable.

Colonel *Torrens* rose, with great reluctance and with considerable pain, to state in a few words the reasons which rendered it impossible for him to vote for the Address. The House had been frequently told that Mr. Canning's beautiful ideal of a Speech from the Throne was, that it should be couched in language so indefinite and vague as to convey no meaning. On this the third night of the

debate upon the Address, he began to regret that on the present occasion, the Speech had not been so framed as to realize Mr. Canning's conception of the perfection of such compositions. It was to be lamented that topics calculated to occasion so much difference of opinion had been introduced. To him it would have appeared more seemly, more becoming, more auspicious, had the Speech been so framed, that, without discussion and contention, the first Reformed Parliament, on its first meeting, might have come at once to a unanimous expression of affectionate and grateful loyalty to the first reforming monarch. However widely the different grades of reformers might differ from each other in opinion, yet surely there was one feeling common to them all—a feeling of affectionate and grateful loyalty to his gracious Majesty for the sanction and assent of the Crown to that great measure of Reform, under which, for the first time, a real Commons House of Parliament was now assembled. Though some might be of opinion that the Reform Bill had not gone far enough, while others might be disposed to say: "Thus far shall it go, and no further"—though some might regard the Reform Bill, as a machine to which additional wheels and increased momentum should be given, while others, with the right hon. the Secretary for Ireland, might contend that it was an improving but not an improveable machine, yet, amid all this difference of opinion, all real reformers must agree in this, that the Reform they had obtained was better, beyond all comparison, than the nomination system which it had superseded. However great the interval hereafter might become between the halting and the movement parties, yet up to the present time they had marched abreast and combated side by side, and now, on the consummation of their triumph, and before the final separation, might they not have paused for a moment, and united in congratulating the Throne upon the achievement of the greatest improvement in the political institutions of the country which had been effected since the days of our Saxon ancestors? He regretted that this had not been the case; and he would state as briefly as he could the reason why he could not vote for the address. Great depression and distress existed in the country, and a confident expectation was entertained that

the Reformed Parliament would proceed immediately to the consideration of the means by which that distress might be relieved. Now the Address which had been proposed said nothing of the distress of the people, and made no mention of contemplated measures for their relief. For such an Address he could not vote. He feared that when the Speech from the Throne, and the Address which embodied it went forth into our great seats of industry, the deepest disappointment and dissatisfaction would be felt. He entreated Ministers to consider one important matter. The evidence given before Mr. Sadler's Committee went to establish an irresistible case. After considering that evidence, he (Colonel Torrens) was convinced that it would be imperative on Parliament to pass a "short time bill." Now, had his Majesty's Government considered the consequences which must follow a short time bill, and were they prepared with measures to meet those consequences? Humanity required that the hours of labour should be shortened; but when this was done, production would be diminished, and the important question was, where should the loss occasioned by the diminished production fall? If the manufacturer endeavoured to indemnify himself for the reduced quantity of work performed by raising the price of his goods, the consumption of his goods in the foreign market would decrease, the demand for the products of British labour would diminish, and the want of employment would inflict upon the operatives evils as great as those which the short time bill had removed. It might be said, that if prices could not be raised, the difficulty might be met by submitting to a reduction of profits. But this again was impossible, because profits were already so reduced, that any further depression would, in many instances, cause business to be suspended altogether. What, then, was to be done? Were wages to be brought down in the same proportion as the working hours were reduced? This, in the actual state of wages, would produce starvation. Here then was a great difficulty which the Legislature had to meet. Humanity demanded a short time bill, and we could not refuse to pass one; while the loss occasioned by the diminished production could not be prevented by a rise of prices, and could not, without stopping business and creating starvation,

fall either upon the profits of the master or on the wages of the labourer. To escape from this difficulty, there was only one thing to be done, and that was by diminishing the cost of production, by taking off taxes, and giving cheaper food. These, and these alone, would create a *margin* on which your short time might safely stand; these, and these alone, would enable you to diminish the hours of toil without diminishing in the same proportion the comforts of the labourer. But to these vitally important measures the Speech from the Throne made no allusion, and therefore he (Colonel Torrens) could not vote for the Address. Before he sat down he wished to say a few words with respect to Ireland. It was impossible for him to conceive that Earl Grey and his enlightened colleagues entertained any feeling of a hostile nature towards Ireland; on the contrary, he believed them to be actuated by an anxious desire to promote the peace, happiness, and prosperity of that country. Yet, while in office, they had committed many mistakes, unintentional he was ready to admit them to be—the first, and, perhaps, the worst of which was, the mode in which the Cabinet was constituted. When the system of exclusion was pronounced to be at an end by the Legislature, why was it continued in the practice of the Government? Was it wonderful that Catholic relief had not been productive of peace and contentment in Ireland, when those very men who so earnestly and zealously contended for it had not introduced one Catholic of rank or influence into the Cabinet? They had not drawn around them men who were well acquainted with Ireland, and the necessary consequence was, they remained in ignorance of its condition. Ireland, before the Union, was partly an agricultural and partly a manufacturing country; since the Union, it had ceased to be a manufacturing, and had become an entirely agricultural country. This transition had produced the greatest distress, and had aggravated all the former miseries of Ireland. The cultivation of the soil required less labour and fewer hands than the manufacture of its produce. If one-fourth of the population of Ireland was sufficient to raise food for the whole, what were the other three-fourths to do if there existed no manufactures in the country to employ them? The hon. member for Banbury

(Mr. Tancred) had proposed a remedy for this evil, and that was, the introduction of capital into Ireland; but that, instead of making matters better, would only make them worse. He broadly asserted and he was prepared to prove the assertion, that the introduction of capital into Ireland, instead of making things better, would make them worse. No person was so absurd as to suppose that any capital, however large in amount, would be able to create manufactures in Kent and Sussex that could compete with those of Lancashire and Yorkshire. There could be no manufactures, except in places where fuel was cheap, and where they had been established by the habits of the people. Apply, then, this argument to Ireland, and the conclusion was, that while coal was cheap in Lancashire, and while Ireland was subject to the competition of England, manufactures could not be established there. If capital were introduced into that country, it must be employed in the cultivation of the soil, and the consequence would be an improved mode of cultivation, rendering less labour necessary on any given surface of ground, and increasing, in a like proportion, the unemployed surplus population. It was very true, that an improved mode of cultivation would raise the value and rent of the land, and would increase the exports and imports of the country; but this, instead of being the measure of increased prosperity, would be a measure of increased misery. What, then, was the remedy for the present condition of Ireland? Some persons proposed the introduction of a system of Poor-law different from that existing in England. If any Poor-law was applied to Ireland, it must indeed be different from the English Poor-law. It must be such a modification of it as would be produced in this country supposing the whole of the manufacturers were thrown out of employ, and supported by a Poor-rate levied on the land. If the Poor-law was necessary to save the Irish from starving, they ought to have it; but he should like to know what sort of system it was to be. Was it to be one tantamount to the Spencean system of converting the country into the people's farm? Another remedy that had been proposed was to cultivate the bogs and the mountains. That would be a remedy, provided a greater quantity of food could be raised from those places than was consumed in

the operation of cultivating them. A further remedy was, to raise a wall of Custom house duties round the country. That, he admitted, would for a time cause a portion of the surplus population to be employed in manufactures, but he would tell the Irish landlords that it would reduce the value of their estates fifty per cent. The great evil in Ireland was the large surplus population that could not be employed in manufactures. Now, there was another remedy for this evil. In Ireland there was more labour than was necessary to cultivate the soil, and in Canada and other British possessions, there were vast districts of land which could not be cultivated from the want of labour. It had been proposed, therefore, as a remedy for the evils of Ireland, that that portion of her population which could not get farms to cultivate, and which could not be employed in manufactures, should be planted on the fertile lands of the colonies, where labour was deficient and in great demand. Such were the remedies which had, at various times, been proposed, as calculated to remove the frightful evils which afflicted Ireland. He did not wish to discuss, or even to pronounce an opinion upon them. It must be plain, however, that for those evils coercion was not the appropriate remedy. In that unhappy land, there was a rebellion of the stomach, which force could not put down, and which even Church Reform and improvements in the administration of justice could not abate. These were the views, imperfectly stated and inadequately explained, which he took respecting the state and condition of the people throughout the United Kingdom; and as these views did not appear to be involved or recognized in the Address, he felt that he could not conscientiously support it. Neither would he vote for the Amendments which had been proposed. It was his object respectfully to press upon the attention of his Majesty's Ministers and of the House, principles which he deemed of vital importance to the prosperity and to the peace of the country; and it was not his object to engage in factious debate, to impede the public business, or in any way to increase the difficulties which a liberal Government had to overcome. The people were dissatisfied from long endured distress; their expectations of relief had been strong, and disappointment, or even delay, might

be productive of consequences which he felt reluctant to describe. Ministers had much to do, and they had short time in which to do it: let them work while it was yet day, for the cloud, which was at first no bigger than a man's hand, was beginning to spread darkness through the heavens. Let them bind up the wounds of the country before the inflammation became a deadly gangrene. The waters of discontent, which had been gathering long, were not yet let loose. Open wide the floodgates of relief before they rise, and press, and burst, and sweep away the mounds and the landmarks of our ancient institutions.

Mr. *Briscoe* had determined, on the whole, to support the Address; but in doing so he could not refrain from saying that there were omissions in the Royal Speech, which, however, he trusted would be amply compensated by the labours of his Majesty's Ministers. There was no allusion in the Speech to the great grievance of Colonial Slavery, nor to those measures from which, above all, the people expected relief from their burthens, the measures for ensuring a diminished expenditure. Neither was there in the Speech any expression of sympathy with the distress of the people of this realm, and for those privations which it was the hard lot of the lower classes and of some of the middle classes to endure. He hoped that the promise in the Speech to remove the causes of complaint included the introduction of improvements. He had been assured by the noble Lord, the Chancellor of the Exchequer, that it was the intention of the Government to redress the wrongs of Ireland; and were it not for the statement in the Speech, that the Church of Ireland should receive a separate consideration, he could not have supported the Address. If coercion should ultimately be proved to be absolutely necessary, he should reserve to himself the right of judging of the amount of that coercion, of the manner in which it was to be applied, and of the time for which it was to continue; and as he was satisfied on these points he would vote. He considered the suspension of the ordinary administration of justice as one of the greatest political evils, and as one which should not be resorted to but in the extremity of danger, and to stay the dissolution of the frame-work of society. He should give his support to the Address only from the confidence he placed in the

Ministers that they were determined to redress the wrongs of much-injured Ireland; and he was convinced that if that was honestly and effectually done, many of those who now called for the Repeal of the Union, would no longer agitate that question.

Mr. *O'Dwyer* said, that the Speech of the hon. and learned member for *Knaresborough* was the most extraordinary that had been delivered during the debate. The hon. Member had deprecated the personalities that had occurred during the debate, and the whole Speech of the hon. Member was distinguished by the expression of the most arrogant personalities that had been interchanged on either side of the House. The hon. and learned Gentleman had assumed to himself a duty rather novel in that House; he was the corrector of manners and the teacher of elocution; the hon. Member quarrelled with the politics of some hon. Members from Ireland, with the manners of others, and the elocution of all. The hon. Member had been unsparing of his vituperation of the hon. and learned member for *Dublin*. Probably it would surprise the hon. and learned member for *Knaresborough* to be informed that, in the course of his agitating career, the hon. member for *Dublin* had been subject to the attacks of many antagonists not inferior in power even to the hon. member for *Knaresborough*, and still, as the House could bear witness, the member for *Dublin* survived the assaults, and, to all appearance, disregarded them. He could assure the hon. Member, and the Government which that hon. Member supported, that the more violently his hon. and learned friend was attacked, the more he rose in the estimation of the people of Ireland. The hon. Member had charged his hon. and learned friend with being difficult to be satisfied. Truly, he was difficult to be satisfied. They had passed an *Insurrection Act*, and they now proposed to pass a *Gagging Act*; and yet his hon. and learned friend was so unreasonable as not to be contented. His hon. and learned friend was also charged with agitation—agitation, which the hon. member for *Bodmin* had admitted might be very proper under certain circumstances. What circumstances were they? He supposed he should be told, that when a *Whig Ministry* were about to be dismissed from office, and the *Tories* likely to resume power, when the nobles and bishops of the

country were insulted, and when their towns were in the hands of incendiaries, then agitation was proper enough; but it was to be deprecated and denounced when the people were oppressed by misgovernment. He would not pretend to follow through all his details the right hon. Baronet, who, in his Speech against the Repeal of the Union last night, had displayed all the ingenuity of an accomplished rhetorician; he would only congratulate his Majesty's Ministers upon the unexpectedly they had found in that right hon. Baronet. To some of them the assistance of such an ally might be a ground of triumph, but to one of them, at least, he thought that it would prove anything but a subject of joy. Indeed, he could not but offer his commiseration to the right hon. Secretary for Ireland, when he saw him writhing under the eulogies of the right hon. Baronet. The scene of last night reminded him of an expression of *Racine*, who said of some tyrant, "that he always embraced those whom he wanted to destroy." The right hon. Baronet had called upon the right hon. Secretary to say whether he would preserve or destroy the Church of Ireland. If the right hon. Secretary should answer, that he would preserve it, then the ill-assorted alliance between them might last a little longer; but if he should reply, as he ought, that he would destroy the present system, then, in spite of his last night's eulogy, the right hon. Baronet would exercise all his energies to destroy him. The right hon. Baronet had described, in melancholy terms, the situation of Ireland before the Union, and so, too, had the hon. and learned member for *Leeds*, who had said, "that up to that period, Ireland had been nothing more than the bondswoman of England." He would not himself pretend to describe the situation of Ireland when she possessed an independent legislature of her own, but he would give them a description of it in the words of a distinguished individual, who was now a colleague of the right hon. Secretary in the Government of Ireland, but who then opposed the Union with all the weight of his powerful abilities. That "learned individual described Ireland as a little island with 4,000,000 or 5,000,000 of inhabitants, hardy, quiet, and enthusiastic, possessed of all the means of agriculture and commerce, enjoying laws well-arranged and well-administered, a revenue constantly

increasing, manufactures thriving beyond all former example, and advancing to prosperity with a rapidity astonishing to herself." This was the language of Mr. Plunkett in 1799—of that Mr. Plunkett who was now the Lord Chancellor of Ireland. It was inconvenient that the written letter should remain, for it showed the rapidity with which a patriot bursting with heroic rage could change into a placeman all tranquillity. The right hon. Baronet had asked why should England have an interest adverse to Ireland? He, too, asked why?—asserting, however, at the same time, that England had ever been the oppressor of his country. Did the right hon. Baronet want any authority to prove that England always made the interest of Ireland subsidiary to her own? He would give the right hon. Baronet authority, which he, at least, must deem conclusive—he would give him the authority of Mr. Pitt, who, on bringing forward his sixteen commercial propositions, had declared that Ireland had always been subsidiary to the opulence of England. What, he would ask, was the reason which had induced the right hon. Baronet to give his support to an Administration which he had uniformly opposed ever since he had resigned office? Would the right hon. Baronet mention any point of agreement between himself and the present Government except one? The right hon. Baronet quarrelled with the foreign relations of the Government, and could not approve of the domestic policy. The right hon. Baronet reprobated the treatment of Portugal, and execrated the settlement of the Dutch question. The right hon. Baronet deplored the absence of all fiscal information in his Majesty's Speech, and, above all, he lamented the fruits that the measure of Reform had produced. Upon what subject then was there a sympathy of feeling, and a concurrence of action, between the right hon. Baronet and the Secretary for Ireland? He would explain the terms of the monstrous coalition between the right hon. Gentlemen—differing on every other point, as widely as the poles, they agreed cordially in a treaty to maintain the Church Establishment, and to oppress and degrade wretched, unhappy, misgoverned Ireland. [No.] He (Mr. O'Dwyer) would say yes; this alone was the basis of the treaty. He did not wish to accuse the right hon. Baronet of inconsistency, but he wondered how the right hon. Baronet, with his peculiar sen-

timents, could agree to an Address expressive of his firm reliance that the negotiations now commenced with Holland would be conducted with the single view of ensuring to Holland and Belgium a separate existence. By what authority, he would ask, did those who conducted those negotiations presume to interfere in the affairs of Holland? How could they support the revolutionists of Brussels against their legitimate sovereign, and yet threaten the people of Ireland with a suspension of the *Habeas Corpus* Act, because they sought, not a separate existence from England, but a federal Union with it, still retaining full allegiance to the King of Great Britain? With regard to any alteration in the mode of administering the Church property in England, he frankly admitted that he would have nothing to do with it. It was a mere matter of taste whether Gentlemen liked it or not. If English Gentlemen liked an expensive Church Establishment, in God's name let them have it. He would not complain of their having it in England, but he protested against their continuing a similar Establishment in Ireland. In the name of the people of Ireland he called upon them to get rid of it, and destroy the system. In saying this, he wished it to be understood that he was not devoid of sympathy for the Protestant clergy. He thought that the present incumbents ought to be provided for. He lamented exceedingly their present state of destitution; but he would ask the right hon. Secretary, was all the sympathy of the House to be bestowed upon them, and none of it upon the suffering people of Ireland? He should perhaps excite the sympathy of the House by reading an abstract which he had received from a professional friend of his, of the decrees which had been granted at a single Quarter Sessions in Tipperary, against the people, for tithes. The hon. Member then read the document, from which it appeared that two men had been processed for a penny—that, at the Quarter Sessions, they had produced a receipt for that sum, and that, in consequence, the complaint had been dismissed, but without costs. It also appeared that for a sum of 5½*d.*, there had been eleven decrees issued against as many different persons. Would the House, after that heart-rending statement, give unexplained, undefined, and unlimited powers to a Government which could institute in one year

9,551 processes like those? Why were they instituted at all?—why, but to provide for the connexions of a Tory Attorney General, appointed under a Whig Ministry? He felt grateful to the House for its attention; he was unwilling to be tedious; but he would not permit any inappropriate feeling of diffidence to prevent him from giving the strongest expression to his feelings on this most important occasion. Hon. Members, and Ministers themselves, had taunted hon. Members at his side of the House with an unwillingness to bring forward specifically the question of the Repeal of the Union. Bring forward the question forsooth! To what good purpose could that tend—he repeated, what good purpose could it answer, in the present state of feeling in that House, where every hon. Member had expressed his determination to resist all argument, to suppress all discussion, and to seal, if necessary, the parchment bond that now united the countries with an incrustation of Irish blood? The right hon. Baronet, who had given his support to a fractional part of the Address to his Majesty, recommended the exercise of unmitigated severity—these were the words. The right hon. Secretary cried war to the knife, or to the death, or expressed his meaning by some such truculent figure. The right hon. Secretary, further inverting the order of good Government, had declared, that the Government should be feared before it was loved. A noble Lord, an ardent supporter of his Majesty's Ministers, declared his preference of civil war to a Repeal of an Act of Parliament, whilst the noble Paymaster of the Forces spoke of the necessity of appointing responsible agents in the establishment of a system of terror. The hon. and learned member for Banbury recommended the appointment of a Military Dictatorship in Ireland; and in return for this suggestion, proceeding from one who should have better understood the Constitution, he would recommend that the hon. and learned Member should be appointed to the Chancellorship under the proposed stratocracy, or he much feared that the military propensities of the hon. and learned Member might interfere, in this free country, with the forensic elevation to which no doubt his eminent abilities entitled him. Ministers, after their expressions of unchangeable opinion, after their adjurations, after their threats, turned round upon Irish Members, and demanded

to know why they did not introduce a discussion that must be unsuccessful in its object. If the Cabinet should determine to act upon the principles thus publicly avowed by themselves and their supporters, the consequences would be fatal, not only to themselves, but also to the empire. Charles 10th had called for war to the death against the people of Paris. So, too, had the king of Holland called for war to the death against the people of Brussels. What had been the result? He need not inform them. Let him caution the right hon. Secretary against repeating the same cry, for the people of England would not sanction, and the people of Ireland would despise it.

Mr. Stanley [interrupting the hon. Member]: I am too much in the habit of having my expressions misrepresented to be surprised at what has just occurred. However often those misrepresentations may be explained, however often they may be refuted, they are still repeated, until I am almost tempted to believe that those who repeat them absolutely believe that they heard me make use of the expressions on which they have placed their own misconstructions. Though I have been much used, too much used, to this practice, I cannot allow myself to remain silent under the present charge; and I here assert that I never used the expression which the hon. Gentleman has attributed to me—that I never called either for war to the knife, or for war to the death. It may be very convenient to publish in the Irish newspapers—it may be very convenient to repeat in harangues in Ireland—that the Secretary for Ireland is a person who has threatened the people of that country with war to the knife, or with war to the death. Therefore here, before all the assembled Representatives of England, Scotland, and Ireland, who heard what I did say, I repeat again that I never made use of the expression which the hon. Member has attributed to me. What I did say was this—that considering, as I did, the Repeal of the Legislative Union between the two countries to be equivalent to the dismemberment and destruction of the empire, I would, if need were, resist it to the death.

Mr. O'Dwyer then continued: "I make the right hon. Secretary a present of his explanation. Probably it may proceed from the obtuseness of my Hibernian intellect; but I cannot understand the dis-

tion which the right hon. Secretary has drawn. I take the right hon. Secretary upon his own words, and I tell him that his experiments in despotism may not succeed. Coming as I do from a country of oppression, where no one can speak the truth—[*Laughter.*] Admirable Englishmen! courteous and compassionate, too, when the relation of despotic aggressions upon the liberty of the subject is interrupted unfairly and uncandidly, for the purpose of indulging in a silly pleasantry that the words did not justify. It is a pleasure to know and to feel that I can regard with complacency both the ridicule which is attempted to be cast upon my country, and the laughter which is excited by the interruption. The indulging in a horse laugh here may be considered as an act of courtesy; but if it occurred in the course of an argument between two individuals, at least in Ireland, it would be treated in a manner that could admit of no misconception. I was about to say, that no man dared to speak, that no printer dared to publish the truth, respecting the atrocities and oppressions exercised by Ministers in my country. There are now a greater number of prosecutions for libel than there were even when the right hon. Baronet was at the head of affairs." [A Member: There were none under Sir Robert Peel.] Mr. O'Dwyer was glad to be reminded that there were none then. He wished that the right hon. Baronet would forego the pleasures of English society, and come amongst the people of Ireland once more, for he could assure him that any change would be deemed better than the continuance of the present Secretary in Ireland. He warned that right hon. Secretary that his experiments in despotism might fail. He would tell the Thraso-like statesmen of the right hon. Secretary's school, that in the Rebellion of 1798 (and no man could deplore that Rebellion more than he did), a single county in Ireland engaged all the disposable force of the English Cabinet. He would tell them, not in menace, but in friendly warning, that the conclusion of the struggle with the people of Ireland, if the people of Ireland should be driven by oppression to the melancholy necessity of a struggle, might not be so happy as they could wish.

Dr. Lushington and several other Members rose together. Having caught the Speaker's eye, the learned Gentleman pro-

ceeded to say, that he deeply regretted the tone and temper which had pervaded a considerable part of the present debate. He regretted that the Irish Members thought fit to hold out the language of intimidation to the English portion of the House. It would produce but one effect—it would induce the English Members to look with suspicion at, instead of lending their support to any proposition coming from that body of Gentlemen. He regretted that the hon. Member who had just sat down spoke with so much vituperation of his Majesty's Government, and particularly of his right hon. friend, the Secretary for Ireland. As to his Majesty's Government, such observations could have little effect on it, and that kind of vituperation was amongst the last of those things which his right hon. friend had to dread. The hon. Member used one expression, which struck particularly on his (Dr. Lushington's) ear—he spoke of destroying the Protestant Church in Ireland. What did the hon. Member mean by that expression? Did he intend to adhere to it?

Mr. O'Dwyer rose to explain. When he spoke of interference with the Church, he meant only with its temporalities.

Dr. Lushington resumed. The explanation of the hon. Member was not more satisfactory than his original declaration. However anxious hon. Members might be to correct irregularities, and purify the Church—and no Member was more anxious than he (Dr. Lushington) to effect those objects—yet he had thought that every Member in that House was bound by a solemn obligation to uphold the Established Church. He had hoped that the Oath taken by the Catholic Members on entering that House made a deep impression on their minds. With the leave of the House he should read the Oath taken by Catholics. It was as follows: "I do hereby disclaim, disavow, and solemnly abjure, any intention of subverting the present Church Establishment, as settled by law." He would read the conclusion of the Oath, which was, "and I do solemnly, and in the presence of God, declare, that I make this declaration in the plain and ordinary sense of the words, without any evasion, equivocation, or mental reservation whatsoever." [*Loud cries of "hear, hear," from Mr. O'Connell.*] If the hon. and learned member for Dublin, supposed that by his ejaculations he should disturb him (Dr. Lushington)—

if the hon. and learned Member imagined, for a single instant, that he could intimidate him from the straight course which his duty, as he conceived, pointed out—if the hon. and learned Member supposed that he could be prime agitator in that House—or if he thought, that the character which he assumed in Ireland could be assumed by him, even with the support of a petty minority, in that House—the hon. and learned Member was grievously mistaken. He repeated, that when the hon. Gentleman (Mr. O'Dwyer) asked the question, “Are you for supporting or destroying the Church?” he (Dr. Lushington) felt in his conscience the greatest possible wish to reconcile the interrogatory with the solemn obligation he had read. Others might be more ingenious in defining the scope and extent of the obligation of the Oath; but he took the plain and intelligible meaning of it to be, that those who entered the House would never lend themselves to any attempt to weaken or destroy the Protestant Establishment. Although he (Dr. Lushington) was an advocate for the Reform of the Church, and for the remedy of its abuses, yet he was determined, as far as his own humble endeavours would go, to maintain it inviolate even unto the end. As to the prosecutions for tithes mentioned by the hon. Member, they were instituted in pursuance of a general process into which Government had been forced; and with regard to costs, he might be permitted to state, that the Attorney and Solicitor General for Ireland had refused to receive a shilling in the shape of fees. There was no Gentleman in the House who could not bear testimony to the fact, that during the whole of the discussion which had taken place on the present question, there had not been the slightest attempt made to deny the existence of disturbance in Ireland—in fact, the admission was unanimous, that the country was in a condition scarcely habitable; there was, therefore, no other conclusion to be arrived at than this, that instant means must be adopted for the protection of person and property. The question, then, which the House had to decide was, was the proper remedy to be, under such circumstances, resorted to? On the one side, they heard the often repeated cry of “do justice”—but unless the grievous, the calamitous system which desolated Ireland, were, in the first instance, suppressed, no approach could be

made towards that measure of justice which, on the one side, was so loudly demanded, and which, certainly, on the other, was not refused. For himself, he had always upon the subject of Irish affairs been a follower of Mr. Grattan, and he found that that distinguished man had, on different occasions, expressed sentiments which, if applied to the present posture of affairs, would be an exertion of the soundest political wisdom. In the year 1808, what was the language of that great man? He said, “In pity to Ireland, arm the Government with powers to save the unhappy people of that country from each other—in humanity, save the lives and properties of the unoffending portion of his Majesty’s subjects in that country.” He had not the slightest hesitation in saying, that he, for one, should not have been found amongst the supporters of the Address, if he had seen the slightest reason to think that any measures were contemplated towards Ireland of greater severity than were absolutely necessary for the repression of disturbance, and accompanied at the same time with such measures of conciliation, and such a meed of justice, as the necessities of the country and the suggestions of an enlarged humanity and a wise policy might recommend. The Ministers did, in truth, deserve the confidence which they sought at the hands of the Irish Members—first, on account of their professions towards Ireland during a long series of years, when they were totally powerless; and, secondly, because their whole conduct since they had been in office proved, that they had no desire to abandon those professions. Having said thus much upon the subject of Irish affairs, he should make one remark on another topic of the Address—namely, that which had reference to our foreign relations. The right hon. Baronet (Sir Robert Peel) who spoke last night, said, with respect to the affairs of Holland and Belgium, that he should not at that time express his opinion of the conduct of Government with respect to those states; he should follow the example of the right hon. Baronet, because there were no documents before the House by which he was enabled to form a correct and comprehensive judgment. The right hon. Baronet had, however, made an observation, the truth of which he considered it to be his duty to deny. He had stated, that in his opinion, the embargo which had been put on the Dutch vessels was an

illegal act. Now, in his (Dr. Lushington's) opinion, the embargo was strictly legal. The right hon. Baronet had supported his view of the case by stating, that Holland had committed no act towards England by which England could be justified in laying an embargo on Dutch vessels, nor was that country in a position to sanction the act. Now he (Dr. Lushington) maintained, that on various former occasions, this country had resorted to that measure under circumstances which were not widely dissimilar from those of the present case; and a judgment of Lord Stowell, wherein that learned civilian declared, that losses of this kind—meaning losses sustained in consequence of an embargo—were frequently caused by the acts of nations, without any immediate hostilities having passed between them. He could quote other instances in support of this view of the case—that, namely, of the embargo on Prussian vessels in 1806; the only words of the Order in Council, in justification of which, were a declaration that, “Whereas, Prussia having invaded the dominions of the Elector of Hanover”—and no man would pretend to say, that the invasion of Hanover by Prussia formed a more cogent reason for England to lay the same embargo on Prussian vessels, than for her to lay an embargo on Dutch vessels, under the circumstances in which that measure had been lately enforced. He must be suffered to say a word or two with respect to the affairs of Portugal before he sat down. The right hon. Baronet asked last night, why the Government had not thought proper to recognize Don Miguel, who, said the right hon. Baronet, had been for five years on the throne of Portugal? Now, two of those five years the present Government had been in office; and the preceding three years of the period had been passed under the Ministry of the right hon. Baronet; he was at a loss, therefore, to understand why a Ministry which had been established for the shorter period of two years, was to be placed under different obligations towards a foreign state to those which were incurred by the Ministry which had preceded them. But he would also ask, were five years to be the utmost limit to which a delay in acknowledging the sovereignty of a state was to be extended? How many years elapsed before Mr. Canning acknowledged the independence of the South American

States? Why should a preference be given to Don Miguel? He would rather say, that when once the sovereignty of a state was acknowledged, whether it was the most absolute despotism or the most unlimited democracy, if either were established firmly, no other state had a right to question the people as to the manner in which they had chosen to be ruled. But he did deny that, because a Government was disposed to be peculiarly despotic, and because Don Miguel had chosen to break through all established rules of conduct, and to deceive all parties by unmeaning protestations, the right hon. Baronet had any right to call upon the Ministers to recognize him as an independent prince. Approving of the Address, he wished to add, that he came into Parliament determined to advocate every judicious reform. He knew that something final was called for, but he could not say that such a term was applicable to any measure—not even to the Reform Bill; for though he was at present disposed to see how the right of voting as at present established was suited to the wants of the people, and though he was disposed to set his face against the cry for Universal Suffrage, yet he could not say, after the experience he had had of the wishes of the people, that if any proposition were brought forward in that House to establish the Vote by Ballot, he could conscientiously refuse to give his vote in favour of it. Let not the House proceed in legislation so as to have to undo one year what was done in the preceding; but let them take those subjects which were the most important, and, after thorough and patient investigation, settle them in a manner that would render the settlement least likely to be disturbed. But, above all, it was necessary for them to lay open the abuses to which they were to apply remedies to their very roots; for they might be assured by experience, that unless that were done, it was but a waste of time to endeavour to apply a partial remedy to an evil which was only partially exposed.

Mr. *Walter* said, that he could not allow himself to give a silent vote, though he should not trespass long on the attention of the House. Notwithstanding the number of topics contained in his Majesty's Speech, the debate had almost wholly turned upon a single topic—namely, the Union with Ireland. On

that head all he should then say was, that he cordially agreed with the sentiment expressed in the Speech; he should ever oppose a separation of the two countries, and every idea of difference between the people who inhabited them. With respect to the original Motion of the noble Lord, the most interesting, but also the most perplexing part of it related to Ireland. The state of that country demanded the most speedy and earnest attention; and they were now to decide whether that attention could be bestowed most beneficially by adopting the course suggested by the hon. member for Dublin, or by proceeding—so far as they could, under existing circumstances—by the usual method of replying to the Speech, and then entering, with the utmost promptitude, upon the consideration of the proper remedies to be applied for the removal of those evils, which every body must admit to exist. It had been said, that the Speech was couched in too strong terms of menace against the disturbers of the public peace in Ireland. He contended that menaces were justly employed against the violators of the law, mingled with assurances of the redress of wrongs, and relief of suffering. On this subject of suffering, he was more strongly impressed by what had fallen on the first night from the member for Knaresborough, than by anything that had been said on the other side about political degradation, and the partial administration of justice. Want of employment, and starvation, which was the consequence, were sufficient to account for the substantial evils which affected the happiness of the Irish people; and he hoped that due provision for the poor would be among the remedies that were to be applied. He was far from wishing to impute a desire for agitation to any individual; a population so destitute as the Irish peasantry were admitted to be, would always be ready for the commission of crime, and would never want a leader. Having given this explanation, and hoping that effectual measures would be adopted by the Government, he should support the original Motion. Having said thus much concerning Ireland, he hoped he might be permitted to say a few words respecting England. He wished for the adoption of every measure of real reform, as anxiously as any one; he wished for the relief of the middle and industrious classes of society; and, as

a means, for a revised system of taxation. He thought this was a subject of such importance that it might well have formed one of the topics of the Speech. Notwithstanding the pressure of taxation, which was so strongly felt every where, and particularly of the Assessed-taxes, the agents of the Tax-office had of late displayed a most mischievous alacrity, by which, however, little was gained to the revenue, but much ill-humour had been engendered against the Government. He indulged the firm belief, however, that the same spirit in the Ministry which had given birth to the Reform Bill, and had carried it on to such a happy conclusion, would unite with the spirit of that House, and enable them to carry every measure of practical reform that would relieve the existing distress, and place the people in a state of comfort. All their grievances, however, had not been the growth of a single day, neither could the cure of them be effected by too hasty measures. He expressed himself sorry for any appearance of division between the friends of Reform and those Ministers who had already done so much, and by whom it was to be hoped so many other important measures of Reform would be carried in a constitutional manner.

Mr. *Maurice O'Connell* deprecated the extreme severity which the hon. and learned member for the Tower Hamlets had displayed towards the hon. member for Drogheda (Mr. O'Dwyer), who, as a young Member of that House, was entitled to some degree of lenity. When the power of the hon. and learned member for Dublin to agitate was complained of, let it be remembered that he derived that power from an act of the Government, and could be deprived of it only by taking away the causes in which it originated. The accusation which had been brought against the hon. member for Drogheda, with respect to the Oath of Allegiance, was not a new one; the right hon. Secretary for Ireland brought it forward last Session against the hon. member for Tipperary (Mr. Sheil) during the debate on the Tithe Bill. For his own part he denied any intention to subvert the Protestant Church of Ireland as by law established, but he claimed, as a legislator from the sister kingdom, the right to interfere, in common with every Protestant Member, in the settlement of the temporalities of the Irish Church, Was

the present the first occasion on which the Church Establishment in Ireland had been brought before both Houses of Parliament? Was not the hon. member for the Tower Hamlets, who contended that the King was bound by his Coronation Oath to protect the Establishment of the Protestant Church, bound by the Acts of the Parliament to consent to such changes as were thereby resolved on? And the right hon. Secretary for Ireland had, therefore, no right last Session to twit the hon. member for Tipperary with a breach of conscience. He might refer the hon. member for the Tower Hamlets to the Oath of Supremacy, which he took on entering that House, and ask him how he, who had ventured to twit Catholic Members with a breach of conscience by mentally violating the oath which they took to maintain the Protestant Church—he who was one of the Ecclesiastical Judges of the kingdom—he who was one of the authorities on the canon law—how could he reconcile it to his conscience to swear, on coming into the House, that no foreign Prelate, or Priest, should possess any spiritual power in the kingdom? Did the hon. and learned Member mean to swear that no foreign Prelate had spiritual power within this realm? for if so, the hon. and learned Member must be one of the most ignorant of men. The hon. Member might explain this inconsistency away; he might split hairs upon the intricacies of the canon law, but take the words of the Oath of Supremacy in their ordinary sense, and no one could deny that the hon. Member committed to the full as great—aye, and a greater violation of an oath—a breach of conscience, as that of which he had accused the hon. and learned member for Dublin. He and those he acted with had, throughout the discussion on the Reform question, given the utmost credit to the promises and assurances of his Majesty's Ministers, and even assented to postpone the consideration of their own country and its justly-founded complaints, in order to let the measure of Reform be carried, and the rights and independence of Englishmen be secured, trusting that those of Ireland would, in their turn, be secured also. But what had been the result? What the return made by those Ministers in whom they so reposed their confidence? Had not the right hon. Secretary promised that there should be

an extinction of tithes, or that tithes—for he would not dispute as to the precise phrase—should be extinguished?

Mr. *Stanley* wished to explain what he had then stated; and he reminded them that the expression fell from him in answer to a question from a right hon. Gentleman not now in Parliament (Mr. Croker), whether the Government intended to extinguish tithe, or to effect an alteration in the mode of collecting tithe. His (Mr. Stanley's) answer applied to the system.—[“No, no,” from Mr. O'Connell and others]. He would repeat that it did so, and he then said, they intended that the measure should not be confined to the alteration of the mode of collecting tithe, but that it was intended to effect, by the measure they had in view, the extinction of the system of tithes; the extinction, he would repeat it, of the system of tithes, always to be coupled with, or to be accompanied by a commutation of tithes.*

Mr. *Maurice O'Connell* resumed, by observing that he had often thought that it would be most desirable that, to the usual oaths taken by Members, another should be added, that they would use expressions in the ordinary sense attached by people in general to such expressions. He could not see the propriety of the use of the word extinction in the instance alluded to, if it was to mean that the receipt of the tithe was merely to be shifted from one to another, from a titheproctor to a tax-collector. He would, after this specimen of the shifting of words from their obvious meaning, to suit an occasion, and avoid a consequence not foreseen, ask the hon. and learned civilian, member for the Tower Hamlets, what confidence could those, who like him were interested so deeply in the promise of the extinction of tithes, ever repose in that right hon. Gentleman, or the Ministry, of which he formed a part? When it was recollected that the right hon. Gentleman had taken a twelvemonth to think how he should explain away that positive assurance, what confidence could any man place in his words? Since then what had the right hon. Gentleman done in Ireland, as to the extinction of tithes? Why, he had sent the Attorney General on an ambulatory circuit, to enforce the tithes of 1831, and in ten cases at Clon-

* See Hansard's Parl. Debates (Third Series) Vol. x. p. 322.

mel, that Attorney-General had obtained decrees against the poor peasants there, for the value of one halfpenny each, making altogether 5*d.* to the fund thus extorted, by process of law, from the poor. But it was all of a piece; had not he promised, or his colleagues for him, that there was to be a remission of the taxes on knowledge, in order to permit its diffusion all over the Empire? And how had he followed this up? Why, by unprecedentedly numerous indictments for libel. The editor of the *Tipperary Free Press*, had even been persecuted by him so relentlessly, that for one alleged libel he had been arrested three times in one day! To show what that right hon. Gentleman dared to do with expected impunity in Ireland, and the different mode of treating political publications in this country and in Ireland, he would allude to a well-known circumstance. The House would recollect a letter, not long since written by the hon. and learned member for Dublin to the people of Ireland. That letter no printer in Ireland would dare to publish, until it had appeared in all the London papers, without drawing down any prosecution by Government. But no sooner did they, encouraged by seeing this impunity, publish it in the Irish papers, than within forty-eight hours the right hon. Gentleman commenced prosecuting those printers in Ireland. What confidence could be reposed in such men after this conduct? The Repealers were not to be driven from their high ground, by either the right hon. Gentleman, or his hon. friend the member for Leeds—by the extempore invective of the one, or the prepared impromptu of the other. The hon. Member concluded his speech by a reference to calculations of returns of imports and exports, founded on official values, which were but imperfect proofs, in his opinion, of the prosperity or condition of any country. It was clear, he said, that unless such tables were accompanied by some accounts of the number of the people, and the mode in which the commodities spoken of were distributed amongst them, the mere enumeration of quantities might lead to the most fallacious conclusions.

Mr. *Shaw* said, that it was with the utmost reluctance he took part in that debate. For the three preceding nights he had not attempted nor intended it; and on the night before he had voted

against the adjournment. He was very conscious of the unreasonable proportion of time that had been already consumed by the members from Ireland; and so far from agreeing in their complaints, that a fair share of attention was not paid to the concerns of that part of the United Kingdom, he was bound to acknowledge, that so far as his experience went, in this, as well as in the last two Parliaments, he had uniformly observed that Irish subjects, and Irish Members were treated with the greatest courtesy, attention, and kindness. He was, therefore, the more anxious to evince his respect for the House, by not suffering the minds of hon. Members who were personally unacquainted with Ireland to be abused by the unjust statements which the Irish Members around him had made with respect to the condition of that country, and the aspersions which they had cast upon individuals and classes of persons, wholly undeserving of them. This feeling alone had induced him to rise. He was happy in being able to agree in the general tenor of his Majesty's Speech. There were passages in it relating to the Church which were not altogether satisfactory to him—particularly where "a separate consideration" was spoken of with regard to the Church in Ireland. Were he to put upon those words the construction sought to be given by some hon. Members unconnected with his Majesty's Ministers, who had spoken on the other side of the House, he should be constrained to oppose the Address; but while he held himself perfectly free as to the course he might feel it his duty to take upon any particular measures which might be introduced respecting the Church, and considered that, in law, as well as in all their essential interests, the Established Church of England and Ireland were perfectly identical; yet, as he had confidence in the long and openly declared sentiments of the right hon. Secretary as to Church property—and that confidence was rather increased by the observations of those connected with the Government made in that House and elsewhere since the delivery of his Majesty's Speech—he was willing for the present to infer from the expression of "a separate consideration" no more than the peculiar circumstances, and a difference in the statute law as regarded the collections of the revenues, and other matters of detail in the respective branches of the Established Church

might render convenient. And he so fully concurred in that important portion of the Speech from the Throne, which stated that the disturbances of Ireland had greatly increased—that the spirit of insubordination and violence had risen to the most fearful height, rendering life and property insecure, defying the authority of the law, and threatening the most fatal consequences if not speedily and effectually repressed—that while he could not hold Ministers blameless as to the cause of those evils, yet if it was then their determination vigorously to redress them, he was happy to find himself at liberty in that respect to give them his independent support. Upon the question of the increase of crime—of the alarming state of outrage and insubordination in Ireland, they were all agreed. It did not indeed admit of a doubt, but the right hon. Secretary and the hon. and learned member for Dublin, were at issue as to the cause; the right hon. Gentleman, attributing the present state of that country to the agitation of the hon. and learned Member, while the hon. and learned Member ascribed it all to the misgovernment of the present Administration. Now he neither entirely differed from, nor altogether concurred with, either. That agitation was the proximate cause, he had no hesitation in declaring; but that could not sufficiently account for the great increase of crime and disturbance which had taken place within the last two years—for it was but justice to the hon. and learned member for Dublin to say, that he had been as great an agitator for the last ten years as for the last two. The real cause was, that he had acquired great additional power to agitate. He did not wish to speak harshly or intemperately of the measures of his Majesty's Government as regarded Ireland; if he had done so during the last Parliament it was because he had, at the time, foreseen and predicted the consequences which he humbly thought had since arisen; but, to use the mildest language, it seemed to him a mistaken policy towards a country circumstanced as that was, to increase the spirit of democracy—to take influence from the scale of property, and place it in the already preponderating one of population—and thus, by pouring fresh causes of excitement upon an over-excited and too ardent people, to invest with an almost despotic sway over them those who

were accustomed to agitate and mis-direct their passions. However, the evil was admitted to exist even by the hon. and learned member for Dublin himself, and the urgent and important consideration was, not how it was caused, but in what way it could be remedied. The hon. Member said: "Do justice to Ireland." So said he, but then arose the question—what, in the critical and alarming condition of that country, was doing justice? The hon. and learned Member produced to that House a long list of plausible grievances, and would persuade hon. Members who heard him there, that if those were redressed, he would cease to agitate—but it did so happen, that the hon. and learned Member sometimes spoke out of that House; and having said a few words upon the grievances relied upon by the hon. and learned Member, he would take leave to recal to his recollection the remedies for those various grievances, which he had proposed within the last few weeks, in a kind of anticipatory Irish Parliament, for which the hon. Member had issued writs, and which he had held in Dublin. First, the hon. Member impeached the magistracy of Ireland. It was not for him to say, that every individual amongst them was impeachable; but he did not hesitate to affirm that they were upon the whole a most valuable, active, and upright magistracy; and this was the more remarkable when the peculiar circumstances of Ireland were borne in mind, especially the circumstance that there were few resident gentry in Ireland as compared to England [*cheers*]. He understood that cheer; it had reference to absenteeism, which he as much deplored as any of those Gentlemen who cheered; but he thought it not very consistent that the hon. and learned member for Dublin and his followers in that House and out of it, should, in words, clamour for absentees to become residents, while, by their acts, they forced residents to become absentees. The hon. Member's next attack was upon the Bench and officers of justice in Ireland. In the case of the magistracy, the hon. Gentleman's charges being, as usual, vague and indefinite, it was not easy to grapple with them in detail, and he (Mr. Shaw) was therefore obliged to give them a mere general answer. But as to the Irish Judges, he knew them individually and personally, and he was bold to declare that there did not, nor could there exist a

purser, a nobler, or more incorruptible body of men. The only specific accusation the hon. and learned Member brought against them was unsustained by fact. He said, that although they were independent in respect of their salaries and the tenures of their office, yet that they were bribed by having sons and relatives provided for in the way of patronage. This he would take upon himself to deny, and he challenged the hon. Member to the proof; with the exception of the Lord Chancellor, he could not call to mind a single instance of an Irish Judge who had sons or relations provided for by Government, and, as regarded the Lord Chancellor, the case was inapplicable to the assertion, for it was made with reference to the independence of the Judges, and all knew that the Chancellor was not independent, but that he was removable at the pleasure of the Crown. Neither was he making any complaint in that respect against the Lord Chancellor; it was not unnatural that he should provide for the members of his own family; and though they were politically opposed to him, he (Mr. Shaw) believed them to be all very competent to perform the duties of the offices they held. The truth was, that the hon. and learned Member was jealous of all authority in Ireland but his own—and the whole head and front of the Judges' offending was, that they would not suffer the law to be violated, nor its authority to be set at defiance with impunity. They were not to be mocked by the flimsy sophistry of the doctrine of "passive resistance." A passive resistance would always be sufficient to interrupt the plain exercise of a right; but it would be brought to the test of its real tendency, when that right came to be enforced by the appropriate remedy the law provided; and in that way was it that the exhortations of Roman Catholic priests and agitators in Ireland of "passive resistance" to legal rights, when legal remedies came to be applied, resulted in one general scene of outrage and bloodshed. The House would then perhaps allow him to call their attention to a sample of the sort of inconsiderate and unmerited attacks that were made there against individuals, no matter how high their characters, or in what consideration they were held by those really acquainted with them—to a charge brought the night before by the hon. member for Middlesex (Mr. Hume), against one of the most eminent men in

Ireland—he alluded to Baron Pennefather. He owned, that he felt much indignation when he heard it, and the hon. Member must pardon him if he showed too much warmth in repelling it. First, he would put it to every hon. Member connected with Ireland in that House, let his party or politics be what they might, whether there ever sat upon a bench of justice an abler Judge, a profounder lawyer, or a more incorruptible man than Baron Pennefather. The breath of suspicion never dared to rest upon him, and yet the hon. member for Middlesex, knowing (he, Mr. Shaw, solemnly declared) as little what was the decision that Judge had made, or what were the grounds upon which he made it, as the post by which the hon. Member always sat—denounced that upright and enlightened Judge for corruption, and as deserving of impeachment, for calmly deciding a question of new light construction upon an Act of Parliament, according to the best of his judgment. The hon. Member thought the decision was, that non-resident freemen should vote in cities, towns, and boroughs; but it was no such thing. The decision was, that they received that right in counties of cities, and counties of towns, as distinguished from cities and towns, that were not counties in themselves; and the grounds of the decision were, that the words, "counties of cities and counties of towns" were omitted from the clause of the Reform Act—an extremely obscure one, by the way, in many points, which took away the rights of non-resident freemen; both classes of places having been mentioned in a preceding part of the Act. He was not now discussing whether the opinion was right or wrong; but was it not a monstrous thing, that, because one of the best-informed and most experienced Judges in the United Kingdom gave it as his deliberate opinion that words which operated in the nature of a penal enactment should not be extended beyond their express import, he was to be held up in the British House of Commons as an object of scorn and contempt; and the House to be told by the hon. member for Middlesex, that to have such a Judge upon the Bench was enough to justify all the outrage and insubordination which was prevailing in Ireland at that moment. To return to the grievances of the hon. and learned member (Mr. O'Connell); he (Mr. O'Connell) assured

the House that if these were redressed he would no longer continue to agitate. Let them pause for a moment, and he would inform them from speeches made by the hon. Member within the last few weeks, what was the redress which alone would satisfy him. He complained of the Magistrates of Ireland—and he had told his Irish hearers that they must be altogether discarded, and in their stead he was to appoint what he termed “pacificators.”

One, a Mr. Steele, had already received his credentials, as Pacificator General, he believed, from the hon. and learned Member—an apostle of his own, brought up at the feet of the great agitator. This gentleman was sent forth with a sort of travelling commission, to supersede the Magistracy, and pacify the country. Next, as to Jurors, these were to give place to what the hon. Member called “arbitrators,”—officers to be elected by the very class of persons amongst whom crime was most prevalent, and then to try them. And who did the House think were to assist those newly created and strangely chosen Jurors, in the capacity of Judges? Not, of course, the present Irish Judges, whom the hon. Member so much reviled—no! But the hon. Member would have them regulated and assisted by the Roman Catholic priesthood. The police and constabulary were to be altogether got rid of, and the “armed volunteers” of the hon. and learned Member to keep the peace. The hon. and learned Member complained of the present police being armed in Ireland [*hear*]. If that cheer had proceeded from English Members it would not have surprised him; but little did they know the extraordinary difference between an English and an Irish populace. The hon. member for Dublin asked, why not let the Irish police constable be armed as the English, with his constable’s staff alone? He would tell him; because in England the symbol of legal authority at once attained respect for the land; whereas, with pain and sorrow he must bear that testimony against his poor deluded countrymen—in Ireland it would, in nine cases out of ten, where disturbance prevailed, serve but as the signal of destruction to the man who bore it, unless he was also armed in his own defence. So much, then, for the charges of the hon. Member as related to the administration of justice. Next, as to his intended distribution of property and liberty of person, he declared, “that

no man should have two estates in different countries; they would oblige them either to remain in Ireland or to sell their estates;” and he (Mr. Shaw) had that morning cut out of a Dublin newspaper, high in favour of the hon. Member, a letter as to what would be the probable terms of sale in such cases. The letter ran thus:—

‘*The Sun* newspaper says, if tithes were abolished, the country rid of the locusts which feed and devour the produce of the soil, the magistracy reformed, the grand jury laws remodelled, and a thousand etceteras—that then Ireland would no longer bellow for a Repeal of the Union; but let me tell *The Sun* they never were more astray in their conclusion—allow me to give you my plain ideas as to the question of Repeal—one instance will answer for all Ireland’s bane. The Marquess of Lansdown receives something about 40,000*l.* a-year out of this unfortunate country (an excellent landlord no doubt), all of which he spends in England without leaving a shilling towards our taxes. Will an English Parliament put a tax of 75*l.* per cent on that property, (for no less will do the business) and let him only receive 25*l.* instead of 100*l.*?’ These, then, and many other projects of a similar kind, constituted, as openly avowed by himself, the sort of Irish justice, which the hon. and learned Member would have Englishmen to do towards Ireland. The hon. and learned Member having given this definition of justice in Ireland, next told hon. Members in that House, that the Irish Catholics were generally armed, and that they would not lay their arms down until “justice” was done to them. If it was such “justice” as he demanded, when that was granted it little mattered whether they laid them down or not, for where was the man possessing one particle of spirit or love of real freedom, who would not rather at once perish by the bayonet or the bullet, than subject his property, his liberty, and his life to the mad tyranny of an ignorant and deluded democracy, and the torturing inquisition of a Roman Catholic priesthood in the full plenitude of absolute power. The hon. and learned Member further assured the House, that if all he called “justice” were done to Ireland by an Imperial Parliament, he would cease to agitate, but some of his last words to Ireland, made at a public meeting within the last fortnight were these: “There is but one

way to stop me in my career of agitation, and that is, by allowing me to put my foot across the threshold of the House of Commons in College-green, and permitting me to take my seat in an Irish Parliament." If then, he (Mr. Shaw) had persuaded the House that no reasonable concessions, that no attempts at conciliation, could satisfy the demands of the hon. and learned member for Dublin's "justice", and through his means repress the crimes of Ireland, they must turn to other remedies. The hon. member for Drogheda (Mr. O'Dwyer) cried out: "Destroy the Protestant Church Establishment, nothing else will satisfy me." He wished not to speak with unnecessary harshness of a young and inexperienced Member of that House, but he trusted that the salutary severity with which the learned Gentleman opposite (Dr. Lushington) had referred the hon. member for Drogheda to the oath which he had taken within the last few days, would not be lost on him and others similarly circumstanced. He was sorry to hear murmurs of disapprobation from hon. Members who sat near him, when the hon. and learned Gentleman (Dr. Lushington) was putting the plain and common sense interpretation of the words that they had sworn, before them. He lamented the absence of a noble lord (Lord Killeen) from that House, in whose mind, he understood, these words had always borne their obvious and literal meaning; and if such a construction were to be put upon them by those hon. Members who had taken the oath, and to be tolerated by that House, as that an avowed intention to destroy that Church was consistent with a solemn abjuration of all intention to "subvert" it, then he for one would consider that it would better consist with the honour and dignity of the House altogether to abolish the oath as worse than useless. He now came, on his part, to demand real justice for his unhappy country. The hon. member for Colchester, and some other English Members, asked how it appeared that insubordination was general, or that the law required additional powers? It might be sufficient to refer to the long and fearful catalogue of crimes brought forward by the right hon. Secretary, and to the undisputed fact stated by him as the *gravamen* of his complaint—that no juror could convict a criminal without rendering his own property and life insecure, and that those who acquitted them were made the ob-

jects of popular gratitude and applause; but the case was abundantly proved by the evidence of those who had spoken against it. The hon. member for Waterford (Mr. Barron) had proved that he, even a Roman Catholic gentleman, was not free from the effects of the general system of insubordination which pervaded his neighbourhood, and that he was ordered, under penalty of his place being made a scene of blood, to discharge, within five days, a steward from his employment, because that person was a Scotchman. Did not this clearly prove that the ordinary laws were suspended under a system of terror—not exclusive in its operation, but extending to persons of all religions and all politics? And surely it was not sought that the remedy should be exclusive either, but one affording protection and security to all the peaceable and well-disposed inhabitants of the country. The occurrence which that hon. Member brought under the attention of the House, in his own case, might, however, afford that hon. Gentleman (who he believed had encouraged agitation when it served his own purpose) a useful lesson, as, indeed, it might also to persons in still higher quarters—that it was easier to set a wheel in motion than to stop it—that it was one thing to create a power, and another to control it. So, in the very humorous picture which the hon. and learned member for Tipperary (Mr. Sheil) had drawn of a large body of military attending the sale of a pig—very comical, no doubt, when comically told—but still proving to demonstration this simple proposition as to the state of the country, that even that pig could not be sold in the ordinary course of the law without the presence of a large body of military. Likewise with respect to the 10,000 processes for tithe at one sessions mentioned by the hon. Gentleman, and the 9,000 others referred to by the hon. member for Drogheda, many for very small sums indeed. But what did the very smallness of those sums, mentioned in order to bring the law into disrespect, prove?—why, not the inability of the various persons processed to pay them, but their unwillingness to do so, arising from an obstinate determination to resist a legal payment, and a wide-spread conspiracy against the law of the land. As to the general state of insubordination and violence in which a great portion of the south and west of Ireland were at

that moment, it would harrow the feelings of the House were he to detail to them half the facts within his own knowledge to sustain the statements in the Address bearing upon that subject. His hon. friend, the member for Mayo (Mr. Browne), had given his testimony from personal and local knowledge of the facts he laid before them—he read but a few of the letters of a single post—the current intelligence of the day, to prove it beyond controversy. One of them stated: ‘The state of the country is daily becoming worse; a brutal murder was committed on Friday night, in the county of Waterford; an old man was dragged from his bed, and because he refused to swear to give up two acres of land, his brains were blown out before his door.’ Another was from a clergyman, who, after describing the state of the country to be such, that the properties of the clergy had ceased to be thought of, and that their lives alone were now the object, he continued: ‘Though our county is placed under the Peace-preservation Act, and that we have several stipendiary Magistrates, with a large body of constabulary, who are out every night scouring the country, but can effect little, as the moment they leave their barracks notice is given, by placing bundles of lighted straw on poles along their line of march, so that they return home after a fatiguing and useless search, laughed at by the people, who become the more daring, from every unsuccessful attempt made to redress their outrages or discover their haunts. Scarcely a house in this neighbourhood has escaped without an attack; mine was visited by a large party a few nights since; but not finding any fire-arms they departed without doing me any personal injury: in fact, it is impossible to conceive the horrors of our situation, and God only knows where all will end.’ He had also received that day a letter from an intimate friend of his own, a clergyman advanced in life, and who for thirty years had lived on the happiest terms both with his Protestant and Roman Catholic parishioners—but a few months ago he had been obliged to leave his family and his home in consequence of some information he had given with regard to a murder that had occurred in his neighbourhood. Being anxious to see his family, even for a day, he had gone with that view to Liverpool, but as he was about to embark there within the last few

days, he was met by a letter from his daughter, entreating him to stay away, and adding, that much as they longed to see him, they would not for twenty thousand pounds, (although he left them living on potatoes and milk) that he ventured for one hour to his home, as for that hour his life would not be safe. He knew hundreds of cases of clergymen who had sold their books, their furniture, taken their children from school, had been forced to let the insurances on their lives drop, and had no resource left; who were literally exemplifying the description of “not being able to dig, and being ashamed to beg”—they were too high-minded to complain, and many of them hid their sorrows in their own bosoms, and those of their suffering families. Yet these were the men who were maligned as persecutors and covetous. He did not say, that they were without the faults of human nature; but it was cruel to trample on them in their present state of destitution and misery; and while he grieved that so many of the Irish Members followed that course, he must, in candour to those of the Roman Catholic Religion, allow that the hon. member for Meath (Mr. Grattan) exceeded them all in the bitterness of his invective against the clergy of his own persuasion. It was scarcely necessary to refute these calumnies; but, even within the last week, he had read the second Report of the Lords’ Committee on tithes, which stated, “that it appears, from the concurrent testimony of the witnesses examined, that the demands of the clergy, both as to the amount and the strictness with which they have been enforced, have been generally characterized by great moderation.” The gentry of the disturbed parts of Ireland were not in a much better condition, and he felt that, returned as he was, to that House, he had some little right to speak on their behalf. The fact was, that the relations of society were suspended, and the elements of civilization seemed resolving themselves into the wildest disorder. Gentlemen could not go out to dine with their neighbours, and in their own houses dined with fire-arms on the table; when they went out of their houses their families watched with breathless anxiety for their return; they were in hourly danger of the mid-day murderer and the nightly burglar and assassin. That state of things could not continue; it was more than human

nature could endure—Men inured to risk, and long accustomed to brave it, though in a much less degree, unwilling to forsake their post of duty, might bear it somewhat longer; but he verily believed that in innumerable cases, the wives and families of those persons would, at that moment, gladly exchange the demesnes and the mansions associated with their earliest and happiest recollections, and where they had hoped to spend their lives in safety—for the peaceful habitation of the humblest peasant in Great Britain. Could those hon. Members who dissented deny the fact? He (Mr. Shaw) happily did not live in a disturbed part of the country—but from the experience of his own household he would say, that for many months, each morning as the post arrived, the members of his family opened their letters with trembling haste, to learn of their relatives, their friends, and acquaintances, whether their habitations were safe and they all alive. One morning's post brought him a letter from a friend, informing him that he should see him the following day, and the coach by which he was to have travelled conveyed the intelligence of his having been murdered as he was driving to meet it, on the public road in broad day light; his head was so battered with stones, that his friends could not recognise it! And this savage deed was committed in the presence of many persons. Hundreds soon collected in a sort of fiendish triumph, and not one of them could be found to give evidence against the murderers. He would appeal then to the just feelings of the British nation, now said to be more than ever represented there, to do justice to his distracted country. Was it not justice to put down by every means necessary for the purpose the outrageous violators of the peace?—to stay the hand of murder—to punish the guilty, and protect the innocent? The blood of many an unoffending victim of the present disorganized state of society in Ireland cried to them for justice. The loyal and faithful subjects of the King called aloud to them for justice—to save them from the petty tyrants who surrounded them—and who would force them to be the perpetrators, on pain of their becoming the objects, of their savage wickedness. He would lay aside all party spirit; his desire was to allay every feeling of rancour and acerbity, and to submit to the calm

sense, the good feeling, and the uprightness of English gentlemen, the case of the gentry and the poor Protestants of Ireland. A slender thread now held them to that country—but it was the same which connected Ireland with these countries. It might be easy to get rid of that little band—and, (continued the hon. Member)—“if with them you could for ever part with their ill-fated country, God knows I should not wonder at your willingness to do so; but you cannot. Ireland must ever be to you a source of either good or evil—of strength or of weakness—it must either supply you with some of the principles of vitality, or expose you to mortal danger. To the utmost do I concur with the gracious words of his Majesty, that the Union of the two countries—the Union of their Legislatures—the Union of their Churches—and the Union of all their interests—is indissolubly connected with the peace, the security, and the welfare of his Majesty's dominions.” He begged pardon of the House for the long trespass he had made upon them; he thanked them for their great kindness and attention; assured them of his willingness to redress all real grievances, and reform abuses where they were proved to exist. But, in reference to the present state of Ireland, he would conclude by impressing upon them this obvious truth—that when a house was on fire it was not the time to enter into an angry and tedious discussion upon the cause of the conflagration. The common interest, and the plain duty of all was, first to extinguish it.

Mr. Walker did not mean to deny, that excesses had been committed in Ireland, and that the law must be put in vigorous execution in order to suppress them. The difference between himself and the hon. and learned Gentleman who spoke last was, that he considered the existing law was sufficient for the purpose, and that that hon. Gentleman wanted a vigour beyond the law to be exerted. But, because excesses were committed, were they to surrender the Constitution? As the Union did exist, let the Irish have its benefits—let them be treated like British subjects, and not outlawed. Because there were miscreants in Ireland, was every Irishman to be put out of the pale of the law? And was Trial by Jury to be abolished? The hon. and learned member for Dublin University had drawn a moving picture of the excesses

committed against innocent persons, but he had not said one word with regard to those oppressions which had driven the people to madness. He had not said one word about the excesses committed by the police, who shot human beings as if they were so many dogs. He (Mr. Walker) knew the Irish people well, and would never be afraid to trust himself among them. Though a Protestant, he apprehended no danger whatever from his countrymen. On the contrary, he would rely upon them to the last moment of his existence. There were, however, certain men who arrogated to themselves the merit of exclusive loyalty—men who alone claimed the designation of Protestants; and to them, he would say, the evil was to be mainly attributed. What was the conduct of those landlords who were called “Conservatives?” Did they not threaten to eject men from their tenures, because they had dared to prove themselves honest—because they had dared to return liberal men to that House? It was only since they had been guilty of these outrages against liberty, that they had become so fearful of the peasantry—only since they had turned out tenants for doing what the Reform Bill gave them a right to do, that Protestant landlords had become afraid. He had been astonished to hear the hon. and learned Member praise the clergy for their moderation, when so many instances of most grinding oppression on their parts might be brought forward. It was true the sum sued for might be sometimes only 2*d.* or 3*d.* but it must be borne in mind that it was wrung from widows and orphans—from men with nothing but the potatoes from only a quarter of an acre of ground wherewith to support themselves and families. Some Gentlemen appeared to wonder at the dislike of the people for the police; but it was natural. The peasantry did not object to regular soldiers, who did their duty without any reference to the religion of parties; but they objected to the police force, because it was composed of Orangemen, with hardly a Catholic in it. The Returns upon this subject were most scandalously got up. The Inspector-general of Police, in sending round forms to be filled up by the chief constables, directed them to fill up all the particulars, truly, except that relating to the religion of the policemen, which he would fill up himself. He knew the truth of this, for the chief constable of the town he repre-

sented having fled, the papers of the officer had come under his inspection. They were carried off by some friends of the chief constable; and in conjunction with two other Magistrates, he had issued a warrant for their recovery. A part was recovered, but the rest were burnt. The House might imagine, from this, under what kind of system the police was constituted. He would now state some particulars of its conduct. Directly a man was arrested, although it were for the most trifling offence, he was put into handcuffs so tight, that the hands swelled in a manner which rendered it impossible for the poor victim to use them for weeks afterwards. A policeman was brought to trial, at the Assizes near him, for having shot a man. It appeared that he went in the night to arrest a man; he broke open the door of the house, and directly he had done so, a naked man started out and ran. The policeman asked if that was the man, levelled his piece at him, and shot him dead, by the light of the moon, as he was getting over a stile. The man, it was true, was charged with a rape; but there was no charge of which persons were more frequently acquitted in Ireland: and at any rate, the policeman had no right to shoot him. Judge Moore thought the act of the policeman murder; the Jury found him guilty; but he was relieved, pardoned, and was, he supposed, a policeman to this day. The next case he would mention, was that of a man who was, with others, turned out of a public-house in which he had been drinking. He re-entered; upon which the police made a prisoner of him, and he was carried away. He found means to escape into a house, which the police, however, broke into. In the mean time, the mob collected out of doors and threw some stones, upon which the serjeant of the police said, he would shoot some of them, and then they would be quiet. He did, accordingly, shoot a man who happened to be passing at the moment, and who was eating a penny-worth of bread which he had just bought. Bills of indictment were sent up to the Grand Jury and were ignored. He begged of the Grand Jury not to give the people a handle to say that they were trampled upon without any opportunity of obtaining redress. He could not explain what passed in the Grand Jury room; but he had no hesitation in saying, that he believed the reason was, lest two Magistrates, who were

on the Grand Jury, should receive a lecture. The man was not even turned out of the police, nor was he even reduced to the ranks. [Mr. Stanley : When, when?] He said he had no wish to cast unmerited imputations upon the present Ministers, and he had, therefore, no hesitation in saying that it was before they took office. Still his argument went to show the necessity of remodelling the police; and if the present Government, in the face of such facts, would not do it, he trusted that that House would force them. Though he acquitted Ministers of these things, yet he could not avoid execrating some of the measures proposed. The third case was that of a man who was returning from a funeral, which was also attended by two policemen. A dispute arose, unprovoked on the part of the unfortunate man, and he was beaten very cruelly by them. His hat was knocked off, and when at last they were willing to let him go, he asked to be allowed to take his hat, which was behind the policemen. They crossed their bayonets to prevent him, whereupon two of his friends came up, one of whom attempted to pass the policemen to get the hat. The serjeant immediately drove his bayonet into his back and out through his breast. [Mr. Stanley : When?] He was not impeaching the present Ministers; he was only showing why it was, that the police were disliked by the people, and exemplifying the nature of the oppressions which pressed upon the people in consequence of the constitution of the police force. An inquest was held, and the Jury returned a verdict of murder, but the coroner refused to issue his warrant for the apprehension of the murderer; and when the Magistrates were subsequently applied to, they also refused to issue warrants against him. He had no objection to name the Magistrates. One of them was a friend of his own, the reverend Richard Inch. The other, he believed, was Mr. Wm. Bolton. Application was made to the Court of King's Bench, and in consequence of that application, a bill of indictment was preferred and found for murder, but the Grand Jury found the bill against the wrong man—they found the bill against the man who did not commit the murder, and threw the bill out against the man who did commit it. He imagined that this was a mistake—but at all events, on the trial, all the facts were proved except that of identity; and when the witness was

asked to identify the party he said: "No, that is not the man at all; there is the man who did it in the lower end of the dock." He immediately said to the Officers of the Crown: "Surely you will not suffer the real offender thus identified to escape?" But escape he did—and not only that, but he was still retained in the police, and was most likely now committing murders elsewhere. In addition to this, the police were obliged to subscribe one day's pay each to enable him to employ counsel, and the Government, after his acquittal, refunded to them this money. He mentioned this, because a Judge at the trial of the Carrickshock affair, had found fault with the country people for subscribing to fee counsel for the accused. If, therefore, it was blameable on the part of the people to do so, how much more so must it have been on the part of the Government. He thanked the House for the patience with which they had heard him, and should trespass no further on their attention.

Mr. *Fergus O'Connor* could not, representing, as he did, the largest county in Ireland, refrain from offering a few observations on that occasion. The hon. and learned member for the University of Dublin appeared to have the greatest sympathy for the distressed condition of the clergy of Ireland; but he appeared to have so far exhausted his benevolent and humane feelings towards them, that he had none left for the suffering peasantry. They had heard the facts stated by the hon. member for Wexford, in reply to the hon. member for the University; and he would ask them if they could consent to arm the most unpopular Government that had ever existed in Ireland with such powers as appeared to be contemplated? They were told by certain Members that the clergy were under the necessity of selling their carriages and horses, and other luxuries in order to buy food; but those Members never told them of the manner in which the last blanket was stripped from the widow and the orphan. The hon. member for Wexford had been stating circumstances which had taken place prior to the present Ministry taking office: but he could say that he had recently prosecuted a chief constable of police. The charge against him was, that he had, without any authority, proceeded to arrest a man. Upon getting to the man's house, he asked for a light, but there was no candle or fire, or

even a fire place in the house, in which, however, a new-married couple had retired to rest. He ordered the men to fire. They did so; and one of the balls went very near the young people. He then handcuffed the man, and took him away. All these facts had been proved before the Magistrates; and it had also been proved that the policeman was tipsy; but the Magistrates, six in number, declared the charge to be frivolous and vexatious, and discharged the culprit. He mentioned the circumstance to Mr. Miller, of the police, who transmitted the case to the right hon. Secretary for Ireland, with an opinion that a new investigation should take place; but he had, at that time, received no answer from the right hon. Secretary, and did not expect that his opinion would be adopted. Add to all this the case of Kanturk. The fact was, that when the police were accused, the Magistrates always sympathized, and were willing to go bail for them; and yet these men, who had drunk of the very lees of faction, were those who were now to be intrusted with additional powers. In the county which he represented, there had not been recently a single outrage, except those of which the police had been the occasion. He trusted that they would exercise the greatest caution before they went the length of arming the worst description of men—the gentry of Ireland—with additional power. They had already driven the people of Ireland to madness, and now they were feeling the reaction resulting from their own conduct. They had waited for two years for redress of grievances from the present Ministry; and he would ask if they were to wait for ever, or for what indefinite period they were to wait? There was sympathy for the Pole when he rose against his great northern oppressor. He was a hero, as was also the Belgian; but the Irishman who rose against oppression was stigmatized as a traitor. If it was not to be a Union, the sooner it was severed the better. The right hon. Secretary for Ireland had stated that he would rather expose himself to be bayoneted or pistoled than agree to the Repeal of the Union; but he (Mr. O'Connor), rather than see his country oppressed, would expose himself to pistols, guns, bayonets, or blunderbusses. The House might proceed to heap additional oppression on Ireland; but he would tell the House that it did not know how soon the application of arbitrary measures, of

the same strength, might be made to the people of England. He conjured them, rather than coerce the people of Ireland, to redress their grievances, and by that means alone could the Legislature render them contented and tranquil. The Session was not far advanced—the Ballot remained to be introduced—the Assessed Taxes to be repealed—Triennial Parliaments to be restored, all these were before the House, and it would have Ireland also, unless it did justice, continually before it.

Captain *York* said, that the arguments urged by the hon. Member who had just sat down were the precise cause of his rising to address the House. That hon. Gentleman said, there were a variety of Motions to be brought forward which, alone, would occupy Parliament for a year; and these Motions were of such a description that they tended to overwhelm the Constitution. At such a moment, when a feeling was abroad likely to excite the public mind, he thought it his duty to support the Government, in order to strengthen the Administration; but he by no means pledged himself to the approval of all the sentiments contained in the Address. Looking to the foreign policy of Ministers, he could not agree with them. As to that part also which related to the Irish Church, anything tending to separate Irish Protestant interests from English Protestant interests should never meet with support from him. He was sent, by a large and respectable constituency, a free, unshackled Member to Parliament; and he should best consult their feelings and his own when he supported law and order, and on every occasion strengthened the Administration when it was oppressed by hon. Members of principles similar to those held by the hon. Gentleman who had last spoken.

Mr. *Emerson Tennant* said, it was with extreme reluctance he rose on this occasion, but his duty as an Irish Representative would not allow him to give a silent support to the original Motion. A complaint had been made, that Ministers did not detail the Measures intended for the relief of Ireland; but the contrary was the fact, for the King's Speech not only contained a recommendation to reform the abuses of the Church—to correct the vicious system of tithes—but that these measures should be accompanied with such others as might be deemed beneficial to Ireland. He denied, therefore, that the King's Speech was the

meagre, barren document it was represented to be. When Ministers, at the time they required additional powers, announced that they were to be brought forward in conjunction with salutary measures, he did not think that the former could be said to be rashly and mischievously conceded. The hon. member for Kilkenny asserted that the Ulster Representatives were Conservatives, and prepared to pass over, on the first opportunity, to the ranks arrayed against Ministers; but this was a mistake. He (Mr. Tennant) amidst a northern Protestant constituency (Belfast) had avowed his intention—and the announcement was received with applause—of aiding, with all his energies, in the thorough reform of the abuses of the Church. His resolution, however, was to amend, not destroy, and that by securing two great objects—the relief of a wretched oppressed people, and the rescue of a meritorious clergy from destruction and misery. He was not a Conservative: the numerous and enlightened constituency that sent him to the House, knew that the present anomalous condition of Ireland was a barrier to all improvement. As to the Repeal of the Union, he could declare that the northern and eastern parts of Ulster regarded it with the deepest detestation. It was viewed as no more than a means of continuing agitation when all others had failed, or as the instrument of extorting new concessions. The people of Ulster saw the necessity of Reform in every branch of the State; but they did not propose as a remedy for existing evils a chimerical and impracticable project.

The House divided on Mr. O'Connell's Amendment: Ayes 40; Noes 428; Majority 388.

Mr. Tennyson then said, that the people of Ireland were looking anxiously towards the Reformed Parliament for some measures of relief, and he thought the House was bound to give them some assurance, that their expectations would not be disappointed, and that a favourable disposition existed in the House towards that much oppressed people. After the statement, however, made by several hon. Members, he was afraid the condition of Ireland would be found such, that, in mercy to the people of that country, it might be right to strengthen, for a period, the Executive authority. It would, however, in his opinion, be expedient for the House to show distinctly, upon the face

of their Address, that this would depend upon the facts disclosed to a Parliamentary Committee. It would also be just that the Reformed House of Commons, to which Ireland had been looking with intense anxiety for a redress of her grievances, should express a determination to investigate and redress them. He had a perfect reliance upon the intentions of his Majesty and of his Ministers; but the House of Commons ought to assume a position and language of their own; and justify, by the first act of their existence, that confidence which the people of Ireland were inclined to repose in the Reformed Legislature. Every Gentleman who had spoken had shown a disposition to institute such an inquiry, and it must be instituted. Why then should they not soothe the excited feelings of that distracted country by expressing this, and by such an assurance qualify the probable infliction of those extraordinary powers which were demanded? He was quite certain it would do much to soften the irritation which existed. With regard to the Repeal of the Union he had stated his own disposition to maintain it. But they were upon this and every other question bound to keep their doors open to the petitions of the people, and not to pledge themselves so as to preclude them from deciding all matters brought before them upon their real merits. The right hon. Baronet (Sir Robert Peel) and other hon. Members had said, they should be ready to do so whenever the question of Repeal might be brought forward, but how could they remain free and unpledged so as to come to a conscientious conclusion, when they should have concurred in this Address? If the House determined to preclude all fair discussion upon the subject, they would increase the disorders, to repress which, extraordinary powers were now called for; whereas if this Reformed House should really show a disposition to hear any case which might be made in favour of Repeal, and after fairly discussing it on its merits, should decide against it, they would be likely to set the matter at rest. Thus, at the same time that the language of his Amendment would assure his Majesty of their readiness to assist him in maintaining the Union against all lawless attempts to dissolve it, or to disturb the peace of the country, their assurances of a determination to apply themselves to remedy existing evils, and

to hear patiently and decide upon its merits every subject legitimately submitted to their consideration, would be more consistent with their own constitutional duty, and would tend to soften instead of increasing the frightful irritation which now existed amongst the people of Ireland. The right hon. Member then moved, as an Amendment, "That all the words in that clause of the Address, relating to the grant of additional powers in Ireland, should be left out after the word "precaution;" and that the following words be substituted:—"As may be found necessary; but if, under the circumstances which may be disclosed to us, we should be induced to intrust his Majesty with additional powers, we shall feel it our duty to accompany that acquiescence by a close and diligent investigation into the causes of discontent in Ireland, with a view to the application of prompt and effectual remedies; and that, although it is our duty to receive the petitions of the people of Ireland, with regard to the Legislative Union between the two countries, and to leave ourselves free to consider that subject—yet we are ready to support his Majesty in maintaining that Union against all lawless attempts to defeat it, or to invade the peace, security, and welfare of his Majesty's dominions."

Mr. *Hume* seconded the Motion. He was anxious that the first act of the Reformed Parliament towards Ireland should be of a soothing character. Now, the Address was a denunciation against the whole people of Ireland. Every man who wished to soothe Ireland and prevent the bitter disappointment which must otherwise inevitably ensue, would cordially support this Amendment.

Lord *Althorp* said, there was one very material objection which he had to the Amendment, that by the Address, as originally proposed, the House declared its opinion on the question of Repealing the Legislative Union, whereas the Amendment left it altogether open. He could not agree with the hon. member for Middlesex, that those who did not vote for the Amendment would be wanting in sympathy towards Ireland. He thought the House might, at least, put confidence in the Ministers till they heard what were their plans of relief for that country, and then if Members did not think those plans sufficient, it would be quite time enough for them to come forward and propose such

measures as should seem to them most fitting. He felt it his duty to oppose the adoption of this Amendment.

The House again divided on Mr. Tennyson's Amendment.

Ayes 393; Noes 60—Majority 333.

The Motion for the Address agreed to.

List of the NOES on Mr. O'Connell's Amendment.

Abercromby, rt.hon. J.	Bulkeley, Sir R. W.
Adam, Admiral C.	Buller, J. W.
Adams, E. H.	Buller, E.
Aglionby, H. A.	Buller, C.
Agnew, Sir A.	Bulteel, J. C.
Althorp, Viscount	Bulwer, E. L.
Andover, Viscount	Burdett, Sir F.
Anson, Sir G.	Burton, H.
Anson, hon. G.	Buxton, T. F.
Apsley, Lord	Byng, G.
Arbuthnot, hn.Gen.H.	Byng, Sir J.
Ashley, Lord	Callender, J. H.
Attwood, M.	Calvert, N.
Baillie, J. E.	Campbell, Sir J.
Baillie, Colonel J.	Carter, J. B.
Bainbridge, E. T.	Cartwright, W. R.
Bankes, W. J.	Castlereagh, Viscount
Baring, H. B.	Cavendish, hon. C. C.
Baring, W. B.	Cavendish, Lord
Baring, A.	Cavendish, hon. Col.
Baring, F. T.	H. F.
Barnard, E. G.	Cayley, Sir G.
Barnett, C. J.	Cayley, E. S.
Bayntun, Capt. S. A.	Chapman, A.
Beaucklerk, Maj. A.W.	Chaytor, W. R. C.
Beaumont, T. W.	Chaytor, Sir William
Belfast, Earl of	Chetwynd, Capt. W.F.
Benett, J.	Chichester, J. P. B.
Bentinck, Lord G.	Childers, J. W.
Berkeley, Capt. M. F.	Christmas, W.
Berkeley, hon. C. F.	Clay, W.
Bernal, R.	Clayton, Col. W. R.
Bethell, R.	Codrington, Sir E.
Bewes, T.	Collier, J.
Biddulph, R. M.	Colquhoun, J. C.
Biddulph, R.	Conolly, Col. E.
Bish, T.	Cookes, T. H.
Blackstone, W. S.	Coote, Sir C. H.
Blake, Sir F.	Corry, hon. H. L.
Blaney, hon. Capt. C.	Cotes, J.
Blunt, Sir C.	Crawley, S.
Bolling, W.	Crompton, J. S.
Boss, Captain J. G.	Curteis, H. B.
Bowes, J.	Curteis, Capt. E. B.
Briggs, R.	Dalmeny, Lord
Brigstock, W. P.	Dalrymple, Sir J. H.
Briscoe, J. I.	Darlington, Earl of
Brocklehurst, J.	Dashwood, G. H.
Brodie, W. B.	Davenport, J.
Brotherton, J.	Davies, Col. T. H.
Brougham, W.	Dawson, E.
Brougham, J.	Denison, J. E.
Browne, J. D.	Denison, W. J.
Browne, D.	Dick, Q.
Bruce, Lord E.	Dilwyn, L. W.
Buckingham, J. S.	Divett, E.

Dobbin, L.	Hall, B.	Lester, B. L.	Petre, hon. E.
Dobbs, C. R.	Handley, W. F.	Lister, E. C.	Philips, Sir G.
Donkin, Sir R. S.	Handley, B.	Littleton, E. J.	Phillips, M.
Duncombe, hon. W.	Handley, H.	Lloyd, J. H.	Phillips, C. M.
Dundas, Capt. J. W.	Hanmer, Sir J.	Loch, J.	Phillpotts, J.
Dundas, hn. Sir R. L.	Harcourt, G. V.	Locke, W.	Plumptre, J.
Dundas, hon. J. C.	Hardy, J.	Lumley, Viscount	Pollock, F.
Dunlop, Capt. J.	Harland, W. C.	Lushington, Dr. S.	Ponsonby, hon. W. F.
Dykes, F. L.	Harvey, Daniel W.	Lygon, hon. Col. H. B.	Potter, R.
Ebrington, Viscount	Hawes, B.	Maberly, Col. W. L.	Poulter, J.
Egerton, W. T.	Hawkins, J. H.	Macaulay, T. B.	Price, Sir R.
Ellis, W.	Hay, Sir J.	Mackenzie, J. A. S.	Pringle, R.
Elliot, hon. Capt. G.	Hay, Col. A. L.	Macleod, R.	Pryme, G.
Evans, G.	Hayes, Sir E.	Madocks, J.	Pugh, D.
Evans, W.	Heathcote, Sir G.	Mangles, J.	Ramsbottom, J.
Ewart, W.	Henniker, Lord	Manners, Lord R.	Reid, Sir J. R.
Ewing, J.	Herbert, hon. S.	Majoribanks, S.	Richards, J.
Fancourt, Major	Hill, Lord M.	Marryatt, J.	Ricardo, D.
Fazakerley, J. N.	Hill, Sir R.	Marshall, J.	Rickford, W.
Fenton, J.	Hill, M. D.	Marsland, T.	Rider, T.
Fenton, Capt. L.	Hobhouse, rt. hon. Sir	Martin, J.	Ridley, Sir M. W.
Ferguson, Capt. G.	J. C.	Martin, T. B.	Rippon, C.
Ferguson, R.	Hodgson, J.	Maxwell, H.	Robarts, A. W.
Ferguson, Sir R. A.	Hornby, E. G.	Maxwell, J.	Robinson, G. R.
Ferguson, Sir R. C.	Horne, Sir W.	Maxwell, J. W.	Roebuck, J. A.
Fielden, W.	Hoskins, K.	Metbuen, P.	Rolfe, R. M.
Finch, G.	Hotham, Lord	Meynell, H.	Romilly, J.
Fitzgibbon, hon. R.	Houldsworth, T.	Mildmay, P. St. J.	Romilly, E.
Fitzroy, Lord C.	Howard, hon. F. G.	Miller, W. H.	Ross, Captain H.
Fitzroy, Lord J.	Howick, Viscount	Molesworth, Sir W.	Ross, C.
Fleming, hon. A. C.	Hoy, J. B.	Molyneux, Lord	Rotch, B.
Foley, E. T.	Hudson, T.	Moreton, hon. A. H.	Rumbold, C. E.
Foley, J. H.	Hume, J.	Moreton, hon. H. G. F.	Russell, rt. hon. Lord J.
Foley, hon. T. H.	Humphery, J.	Morpeth, Viscount	Russell, Lord
Folkes, Sir W.	Hurst, R. H.	Morrison, J.	Russell, Lord C. J. F.
Fordwich, Viscount	Hutt, W.	Mosley, Sir O.	Russell, W. C.
Forster, hon. G. C. W.	Hyett, W. H.	Mostyn, hon. E. M. L.	Ryle, J.
Forster, C. S.	Ingham, R.	Murray, J. A.	Sandon, Viscount
Fox, S. L.	Ingilby, Sir W. A.	Neeld, J.	Sanford, E. A.
Fox, Lieut.-Col. C. R.	Ingilis, Sir R. H.	Newark, Viscount	Scarlett, Sir J.
Fremantle, Sir T.	Jeffrey, right hon. F.	Noel, Sir G.	Scholefield, J.
French, F.	Jerningham, hon. H.	Norreys, Lord	Scott, J. W.
Fryer, R.	Jervis, J.	North, F.	Scott, Sir E. D.
Gaskell, D.	Johnston, A.	O'Callaghan, hon. C.	Seale, Colonel
Gaskell, J. M.	Johnstone, Sir F.	O'Grady, hon. Col. S.	Sebright, Sir J.
Gillon, W. D.	Jones, Captain T.	Olipphant, L.	Sharpe, General M.
Gisborne, T.	Kemp, T. R.	Ord, W. H.	Shaw, F.
Gladstone, T.	Kennedy, T. F.	O'Reilly, W.	Shawe, R. N.
Gladstone, W. F.	Kerry, Earl of	Ormellie, Earl of	Sheppard, T.
Glynne, Sir S. R.	Key, Sir J.	Ossulston, Lord	Simeon, Sir R.
Godson, R.	King, B.	Oswald, R. A.	Sinclair, G.
Gordon, R.	Knatchbull, Sir E.	Oswald, J.	Smith, J. A.
Gore, M.	Labouchere, H.	Owen, H. O.	Smith, R. V.
Goring, H. D.	Lamb, hon. G.	Paget, Sir C.	Smith, hon. R. S.
Graham, rt. hon. Sir J.	Lambton, H.	Paget, F.	Somerset, Lord G.
R. G.	Lamont, Captain N.	Palmer, General C.	Spankie, Mr. Sergeant
Grant, right hon. C.	Langdale, hon. C.	Palmer, R.	Spencer, hon. Capt. F.
Grant, hon. Col. F. W.	Langston, J. H.	Palmerston, Viscount	Spry, S. T.
Grey, hon. Colonel	Langton, Colonel G.	Parker, J.	Stanley, E.
Grey, Sir G.	Lefevre, C. S.	Parker, Sir Hyde	Stanley, rt. hn. E. G. S.
Grimston, Viscount	Lefevre, J. G. S.	Parrot, Jasper	Stanley, hon. H. T.
Gronow, Capt. R. H.	Lemon, Sir C.	Patten, J. W.	Stanley, E. J.
Grosvenor, rt. hn. Lord	Lennard, T. B.	Pechell, Sir S. J. B.	Staunton, Sir G. T.
Robert	Lennard, Sir T. B.	Peel, rt. hon. Sir R.	Staveley, J. K.
Grote, George	Lennox, Lord W.	Pelham, hon. C. A.	Stawell, Colonel
Guest, J. J.	Lennox, Lord J. G.	Pendarves, E. W.	Steuart, R.
Halford, H.	Lennox, Lord A.	Peter, W.	Stewart, E.

Stewart, P. M.	Vyvyan, Sir R. R.
Stonor, T.	Walker, R.
Stormont, Viscount	Wall, C. B.
Strickland, G.	Walsh, Sir J. B.
Strutt, E.	Walter, J.
Stuart, Lord D. E.	Warburton, H.
Stuart, W.	Ward, H. G.
Surrey, Earl of	Warre, J. A.
Talbot, C. R. M.	Wason, R.
Talbot, W. H. F.	Waterpark, Lord
Talbot, J.	Watkins, J. L.
Tancred, H. W.	Watson, hon. R.
Tapps, G. W.	Wedgewood, J.
Taylor, W.	Wemyss, Capt. J.
Taylor, rt. hon. M. A.	Weyland, Major R.
Tennant, J. E.	Whitbread, W. H.
Tennyson, rt. hon. C.	White, S.
Thompson, P. B.	Wilbraham, G.
Thompson, rt. hon. C. P.	Wilks, J.
Throckmorton, R. G.	Williams, W. A.
Todd, J. R.	Williams, R.
Tooke, W.	Willoughby, Sir H.
Tracey, C. A.	Wilmot, Sir J. E.
Trelawney, W. L. S.	Windham, W.
Trevor, hon. G. R.	Wood, G. W.
Troubridge, Sir E. T.	Wood, M.
Turner, W.	Wood, Colonel T.
Tynte, C. K. K.	Wrottesley, Sir J.
Tynte, C. J. K.	Wynn, Sir W. W.
Tyrell, Sir J. T.	Wynn, rt. hon. C. W.
Tyrell, C.	Yelverton, hon. W. H.
Verner, W.	Yorke, Capt. C. P.
Verney, Sir H.	Young, J.
Vernon, hon. G. J.	Young, G. F.
Villiers, Viscount	TELLERS.
Vincent, Sir F.	Rice, hon. T. S.
Vivian, J. H.	Wood, C.

List of the AYES.

ENGLAND.		Maclaulhin, L.
Attwood, T.		Nagle, Sir R.
Cobbett, W.		O'Brien, Cornelius
Faithful, G.		O'Connell, Maurice
Fielden, John		O'Connell, John
Hume, J.		O'Connell, Morgan
Kennedy, James		O'Connor, Fergus
SCOTLAND.		O'Dwyer, A. C.
Kinlock, George		Roche, W.
Wallace, R.		Roche, David
IRELAND.		Roe, James
Baldwin, Dr.		Rorke, J. H.
Barron, H. W.		Ruthven, E.
Butler, hon. P.		Sheil, R. L.
Chapman, M. L.		Sullivan, R.
Finn, W. F.		Talbot, J. H.
Fitzsimon, N.		Walker, C. A.
Fitzsimon, C.		Wallace, T.
Fitzgerald, T.		White, L.
Grattan, Henry		Vigors, N. A.
Keane, Sir R.		TELLERS.
Lalor, Patrick		O'Connell, D.
Lynch, A. H.		Ruthven, E. S.

In addition to the above, the following voted for the Amendment of Mr. Tennyson:—

ENGLAND.		Butler, Charles
Beaucherk, Major E.		Fryer, R.
Brotherton, Joseph		Gaskell, D.

Grote, G.	Roebuck, J. A.
Harvey, D. W.	Warburton, Henry
Humphery, J.	IRELAND.
Hutt, William	French, F.
Lloyd, J. H.	O'Reilly, W.
Molesworth, Sir W.	TELLERS.
Palmer, General	Bulwer, E. L.
Philips, Mark	Tennyson, C.
Potter, Richard	

HOUSE OF LORDS, Monday, February 11th, 1833.

TITHES (IRELAND).] Lord *Teynham* presented a Petition from a parish in the county of Mayo, praying their Lordships to relieve them of the burthens which they laboured under with respect to tithes, and to consider how the property of the Church of Ireland might be converted into a purpose both useful and national. The noble Lord, in presenting the petition, observed it was one of very great importance. It was signed by upwards of 1,700 inhabitants of the parish, almost all of whom were tenants of the noble Marquess who was Lord lieutenant of the county; it was got up without "agitation," or any means that could be deemed improper, and was couched in such feeling terms, that their Lordships could not refuse it their attention. They complained of the imposition of tithes for the benefit of men from whom they derived no advantage, and with whom they could have no concern. They were themselves without a place of worship; their only temple was the canopy of the skies; and all their light was derived from the windows of heaven. In conclusion, they prayed that the Church property in Ireland might be turned to some useful and national purpose. Extraordinary powers might be granted, and suspensions of the Constitution; but such acts never could—nothing but justice could—bring back the people to the ways of peace and obedience to the law. If a traveller visited Ireland, the first object that would strike him was the number of churches; but his first question would be, "where are the congregations to enjoy all this spiritual comfort?" He would see one party lording it like conquerors over the property and lives of others, and it would soon become a fixed conviction of his mind, that until this imposition was removed, there would be no peace, no harmony for the country. He had always felt the greatest confidence in the noble Lord at the head of his Majesty's Government, and he trusted that his expectations would not be defeated, and that a liberal measure would be brought

forward, as he was confident that the measure talked of for the commutation of tithes would be completely inefficient. It was morally impossible to carry it into effect. In conclusion he expressed his deep regret that a burthen which pressed so heavily on agriculture in England and Ireland was not removed.

Petition to lie on the Table.

DISTURBANCES IN MAYO.] Lord *Teynham* felt much regret that he was obliged, in compliance with his duty, to allude to his noble friend, the Marquess of Sligo, and question the propriety of his conduct. He meant to bring before the House, before his Majesty's Ministers, and before the great bar of the nation, from which, in the last resort, justice must be expected, a question of great importance—the power exercised of subjecting the barony of Gallen to the Peace-preservation Act. He had been requested by numerous inhabitants of that barony to lend his humble aid in procuring them redress. He had reduced the facts to writing, in order to avoid the possibility of being carried away, and giving offence to the noble Marquess. Their Lordships were aware that the Lords Justices of Ireland had placed under the Peace-preservation Act, Gallen, a barony in Mayo, of which county his noble friend was Lord-lieutenant. This step had been resorted to without any communication having been made to the resident Magistrates, without any demand on their part of such an interference, and without the sanction of the landed proprietors. The noble Marquess had merely given notice to the county Magistrates, that they ought to take the state of the barony into consideration. Accordingly, sixty Magistrates assembled at Castlebar on the twenty-second of last month, in a private house, and deliberated with closed doors—a custom which he hoped would not long continue a fashion in England or Ireland. These gentlemen were, of course, unacquainted with the localities of the barony of Gallen—they knew nothing about it, and were obliged to take such information as the noble Marquess supplied. That was the ground on which they formed their opinions. Now he was instructed to say, that many persons offered to give testimony on oath, and prove that there were no disturbances to warrant such a visitation, and especially on the eve of a contested election. The election was the real cause of the whole proceeding. Reform

in England was carried to get rid of nomination boroughs, and to deprive landed proprietors of the power of sending their nominees into Parliament. But the noble Marquess, as soon as he got to Ireland, said: "Oh, the principles of Reform don't apply here; the county of Mayo is my Old Sarum; and any one coming here to take my power from me is an enemy, a disturber of the public peace—is, in fact, one of O'Connell's gang." Who was it that came forward to contest the representation of the county of Mayo? Sir William Brabazon, a gentleman of ancient family, of great influence and property in the county, a descendant of the man who secured Ireland for this country. Their Lordships might read in the Records of that House, that the Lord Treasurer Brabazon, in the time of Henry the 8th, came forward to settle the liberties of the country, by passing the Act of Supremacy; and on the occasion now referred to, Sir William Brabazon came forward to uphold the rights of Irishmen. But he would proceed no further in his eulogy of that gentleman, because his worthiness to be the representative of Mayo, and the anxiety of all classes in that county to be represented by him, were equally well known. He hoped, however, that the freedom of election would be soon as secure in Ireland as England. Who was the gentleman opposed to Sir William Brabazon? A person certainly of respectability, but of no property, without even votes, whose sole claim was, that he was the relative of the noble Marquess. At the election, acts were perpetrated of such a nature that it was astonishing Government could, after these deeds, expect that law would be obeyed in Ireland. Two men were murdered on Christmas-day for looking at the High Sheriff. Notwithstanding the laughter of some noble Lords, he must re-assert the accuracy of his statement. Another murder had been committed by the police without even the censure of a Magistrate; and in these cases the verdict returned was—"Justifiable homicide." The noble Earl now at the head of the Ministry stated, in the year 1799, in the House of Commons, as he found the words reported in *Hansard's Parliamentary History*. 'What I most heartily wish for' said the noble Earl, 'is Union between the two countries. By Union, I mean something more than a mere word—a Union, not of Parliaments, but of hearts, affections, and interests—a Union of vigour, of ardour, and zeal

'for the general welfare of the British Empire. It is this species of Union, and 'this only, that can tend to increase the 'real strength of the empire, and give it 'security against any danger.* Such were the words of the noble Earl; and more than thirty years had passed away since the Union had taken place—with what result, unfortunately, the present state of Ireland too painfully demonstrated. He (Lord Teynham) challenged any one to assert that hitherto it had not been a Union of power, of weakness, and oppression of every description. For nearly thirty years the great boon—emancipation—demanded by justice and religion, as well as the interest of the country, had been withheld. Reverting again to the immediate subject before the House, he could state; that he was assured by respectable persons in Gallen, that there had been no riots, nor one murder committed, to justify the infliction of the Peace-preservation Act. And why should this barony be put out of the King's peace more than Erris? Why had the proceedings been put under a bushel? Why had the noble Lord removed the quarter sessions from Tuam to Ballina, without a single reason being assigned for it? In that part of Ireland there was a large number of great fairs. Could it conduce to peace, to have policemen, with loaded arms, walking through the assembled multitudes? At the late election for Kent, the supporters of Sir William Cosway declared, that their champion would remove the Quarter Sessions from Canterbury to Ashford. But if a parallel for the slighter unconstitutional threat was to be found in an English election, there was none for the tremendous power placed in the hands of the Irish police. Was it credible that any persons could expect peace or order if such acts as had been detailed were permitted to pass with impunity? If the perpetrators of those homicides, as they were called in Ireland, had been brought to trial in England, they would certainly have been found guilty of murder. And were the Irish to be hunted down as out of the pale of humanity? The present subject deeply concerned the peace of Ireland, and the proceedings of that House were looked to with intense interest, as decisive proofs whether England was willing to render justice to Ireland. There would be no necessity for unconstitutional powers, if justice were done. It

was useless to attempt to conquer a people who gave their hearts to resistance. It was not his intention to indulge in praise of the gallant general who commanded the army in Ireland, or of the noble Lord who was at its head in this country; but it was a strong fact, that the troops were withdrawn from Gallen about the time that it was put under the Peace-preservation Act. The noble Lord concluded by moving for "A copy of the proclamation of the Lords Justices of Ireland, declaring the barony of Gallen, in the county of Mayo, in a state of disturbance, and requiring an additional force under the Peace-preservation Act. Copy of the memorial of the Magistrates, Catholic clergy, and freeholders of the barony, to the Lords Justices thereon. Copy of a memorial thereon, from Sir William Brabazon, bart., and T. D. Ellard, esq., a Magistrate of the county, presented January 26, 1833. A list of the chief constables of the county of Mayo, serving on the 1st of July, 1832; noticing those who have been since dismissed, their names and occupations, and the parish and barony of the persons nominated in their stead. A return of the number of committals by the Magistrates of the barony of Gallen, and of the convictions at the petty sessions holden at Swinford and Fozford, in that barony, during the years 1830, 1831, and 1832. And also, the number of persons now in confinement, or under trial, for offences committed in that barony, and the nature of such offences, since the 1st of July, 1832."

The Question was put.

The Marquess of *Sligo* said, it was impossible for him to know whether or not his Majesty's Government would consent to the production of the papers required by the noble Lord; as far as his own feelings were concerned, he had not the slightest objection to their production, but the contrary. He must, however, claim their Lordships' attention for a few moments, whilst he rebutted the attack made on him by the noble Lord. If the Lord Chancellor of Ireland were present, or if the Secretary for Ireland had a seat in that House, they could inform their Lordships that the barony of Gallen had been a cause of great uneasiness to him as Lord lieutenant of the County of Mayo during the last two years. It contained a very small number of local Magistrates, and the difficulty of things was enhanced by persons whose station entitled them to act as Magistrates refusing the office. Notwithstanding, till a recent period, Gallen did not constitute a

* Vol. xxxiv. p. 337.

decided exception to the general peaceable condition of the county. His character having been impugned by the noble Lord who dealt in direct impeachments—not insinuations—against his honour and motives, and had brought distinct charges, the House would allow him to show that the barony of Gallen was in such a state of disturbance as to demand the application of the Peace-preservation Act, and their Lordships would also bear with him whilst he explained the causes of so lamentable a condition of things. At the same time, it was due to himself to say that, expecting no accusation of this nature, he did not bring over a single document on the subject; but from his recollection of the number of outrages that had occurred, he would mention some, although aware that he must omit many. On the 1st of September, a contest took place concerning the possession of a house at Derryhath between brothers named M' Loughlin, and the matter created such a degree of animosity and excitement that the police and military had to take possession of the House in dispute to prevent bloodshed. Shortly afterwards the haggard of a gentleman, whose son had been the agent of one of the disputants, was destroyed by fire. Subsequently to this event Mr. Burton, one of the most extensive tithe-owners in the neighbourhood, came to inform him that he could not obtain a single shilling of his tithes, and he sent his two proctors to confirm the statement on oath. Meantime the violence and disturbances had excited the attention of the Inspectors-general of Police, and thirty policemen and a sub-Inspector were sent to assist in the collection of tithes. Shortly afterwards a letter came from the Inspector, stating that 1,200 persons had marched into the town and to the chapel in regular military array, and that at the chapel they were addressed by the hon. baronet mentioned by the noble Lord. The hon. baronet, on being questioned on the subject, stated to him (the Marquess of Sligo) that the numbers of the people had been greatly exaggerated, and that all they wanted was to hear his opinion about tithes, having heard which they went away. But he had been told in other quarters, that the hon. Baronet addressed the people from the pulpit of the chapel, and asked them to withdraw, under apparent feelings of alarm. The Inspector of Police informed him that it was impossible to do anything in the collection of tithes. He had sent to the Magistrates, requesting them to evince

more activity in their exertions with regard to tithes, but apprehending that they would not comply with the suggestion, he applied to Government, and Mr. Jones, an English gentleman, was sent down as a stipendiary Magistrate. After Mr. Jones had been in the county a few days, he found that the force at his disposal was insufficient, and he wrote to him (the Marquess of Sligo), stating, that it was as much as all their lives were worth to remain. Under these circumstances, application was made to Lieutenant-Colonel Hare, commanding the 27th Regiment, who with his usual promptitude sent another company to the assistance of Mr. Jones. Forty police, and 110 or 120 military, went out, not to seize, but to view tithes, and experienced such resistance, that, in order to save their own lives, they were compelled to fire on the people. No notice was taken of this occurrence in the repeal newspapers. Did not the facts to which he had alluded afford a sufficient explanation and proof of the necessity of proclaiming that district? A memorial had been sent to the Home Secretary (thus passing over the Irish Government) against the proclamation of the barony of Gallen. Was that the proper course? He wrote to four resident Magistrates, blaming them for not coming forward or affording the slightest assistance on the occasion; and he had received a species of round-robin communication from three of them absolutely refusing to act at all in tithe cases. Immediately after the events narrated Mr. Jones left Gallen, and the troops went to their quarters. He had, afterwards, received a letter from the chief constable of police, stating that numerous parties, amounting to from 300 to 400, were going about by night, swearing in men, and that the police were obliged to hide themselves. The election then came on; he would not discuss it; but he would state that there were 260 police and three troops of the 10th Hussars in the town, and that so great was the excitement they were unable to keep the peace. This was the period when, according to the noble Lord, two men “were killed for looking at the Sheriff.” What was the fact? The people attacked the Sheriff because he voted for the opposite party; they attacked that party and its voters. He had had a letter from the chief constable, stating the outrages that were committed—the burning of a store of turf—the levelling of three houses belonging to Mr. George Moore. Further, as a person named Clark was returning from Ballina,

he was taken off his horse and cruelly beaten; but this was not sufficient—the barbarians who assailed him literally impaled the horse, driving a stake through his breast. This occurred in the tranquil barony of Gallen: A party of revenue police went out in performance of their duty; they were pursued by a body of several hundred people, and, doubtless, would have been sacrificed had not Mr. Moore (a gentleman already mentioned) taken them over a river in his boat. A few days afterwards a mounted policeman had a fall from his horse, and in the fall his pistol went off and wounded him; he called out to some men who were near the spot for assistance; they came, and seeing him unable to defend himself, began to pelt him with stones. The man, who possessed great courage and coolness, managed to get on his horse, and fire four or five shots at his assailants, after which he got off. A collector of rents was warned off, and told to bring his coffin with him next time: he took shelter in the police barracks, and was privately conveyed out of the reach of the people. What was the fact? That people would rather go twelve miles round than pass through this peaceable barony. About this time he learned from a Magistrate that the daughter of a shopkeeper of Smithford had been carried off in the noon day, and not a creature ventured to interfere for the poor girl's protection. He had a letter from a Magistrate, stating that bands of men, with white handkerchiefs round their hats, and hay-bands about their waists, were going about swearing the people to pay neither tithes, taxes, nor rents, and beating all who objected. A policeman had seen a dozen anvils in the road which had been taken from the smiths' forges, and the owners were not allowed to take them away till they had sworn an oath not to shoe the horses of any persons who had voted against Sir W. Brabazon. In consequence of these circumstances, he considered it his duty to apply to the Government for additional assistance to put an end to such a state of things, but the reply being that no more force could be spared, the next thing was to call a meeting of Magistrates to consider the state of the barony. The meeting was advertised for a considerable time, and it was therefore competent for all who felt an interest in the matter, either one way or the other, to attend. Of all the Magistrates present, only one gentleman opposed the proclaiming of the district. It was only

fair to say, that two other Magistrates belonging to the barony did not come into the room; one of them had signed the round-robin he had already mentioned; but some time after, when the matter had been determined on, these two Magistrates came in; all they begged for was the delay of a week, to see whether the people would not return to their allegiance, thus making an implied admission of the reality of the disturbance. The vote for proclaiming the barony had been carried at once. There were two Lords-lieutenant of counties, eleven Deputy-lieutenants, and forty other Magistrates present. The noble Marquess proceeded to read letters from various individuals resident in the county, expressive of approbation of the barony being proclaimed. A Magistrate wrote, stating that "he was happy to know that Gallen had been put under the Peace-preservation Act," adding: "Thank God, we shall now have a chance for our lives." A Catholic gentleman spoke of "agitators from Gallen going through other baronies, and preaching up exclusive dealing," and of "persons being waylaid and beaten in open day." The noble Lord was mistaken in saying, that he (the Marquess of Sligo) had put the barony under the Peace-preservation Act—he was only one of sixty Magistrates who had determined on the measure. He knew nothing as to the removal of the Quarter Sessions; he had never heard of the circumstance before that night.

Lord *Teynham*: It appears on the papers moved for.

The Marquess of *Sligo*: Then it is my fault that I was not aware of it. Had the noble Lord read the evidence taken at the inquests of which he spoke?

Lord *Teynham* said he had.

The Marquess of *Sligo* regretted that having done so, the noble Lord came to a different conclusion from the Juries, their verdict being, in every case, justifiable homicide. He would then refer to the papers for which the noble Lord had moved. The noble Lord's first application was for a copy of the Lords Justices proclamation, declaring Gallen to be in a state of disturbance—he believed the noble Lord had the proclamation in his hands; however, he might wish to obtain it in an authoritative form, and there could be no objection to that. The next thing the noble Lord asked for was, a copy of the memorial of certain Magistrates to the Lords Justices upon their proclamation,

Now this was the address of the three recusant Magistrates who had sent him the round robin, and of one other, and perhaps their Lordships would not attach much importance to that document. The third paper recalled him to the subject; and he might observe that Mayo had providentially been one of the quietest counties in Ireland for a long period. There had been nothing like disturbance, if he excepted a short period in 1829, when the Magistrates rallied against the disturbers, and beat them out of the county, without an appeal to the Peace-preservation Act, although Galway, Sligo, and Roscommon were proclaimed. As a proof of the comparative tranquillity of these counties, he would mention, that Roscommon had a force^s of 650 police, and 258,000 inhabitants—being one policeman to every 390 inhabitants; in Galway the number of police was 825 to 380,000 inhabitants—being one to every 460; and in Mayo, there were 198 policemen to 367,000 inhabitants—being about one to every 1,900. The comparative smallness of the force showed the ease with which peace had been preserved in Mayo. No disturbance in fact took place there till the intimidation for election purposes began. The hon. Baronet whom the noble Lord had alluded to (Sir William Brabazon) started for the county on the repeal principle; the people became excited, and the face of things was then completely altered. Their Lordships had heard before now of such a thing as a black list, but in this case, at the bottom of one of the hon. Baronet's placards, notice was given that after the election the names of those who voted "against their country" should be printed "in red," for what view and with what object he left it to their Lordships to determine. On the 10th of November an address was voted at a meeting (Sir William Brabazon in the chair), suggesting the plan of exclusive dealing, urging an extinction of tithes, and a Repeal of the Union between England and Ireland. In this address the fair sex was brought into efficient play, and "mothers, wives, and daughters, married and unmarried," were entreated to exercise their great and uncontested influence in behalf of repeal, and exclusive dealing, as a means of accomplishing that end. Lists were promised "at the close of the election," of the freeholders and their mode of voting. Perhaps

it was excusable to resort to such expedients, (most certainly, however, he should not have adopted them) during the excitement of an election contest, but to persist in that line of policy after the question of the election had been decided, and at a time when no immediate purpose was to be gained by it, would be held less deserving of pardon. However, the address was published again on the 9th of January, with the promised list of freeholders and their mode of voting. Not content with that, instructions were given, apparently with the authority of J. D. Ellard, the chairman, who had also signed the memorial moved for, as to the office and duty of "parochial constables," who were directed to call the attention of the people to the scheme of exclusive dealing. This, he contended, was extending election excitement beyond its just limits, and protracting it at a time when no election purpose could be gained by it; it was culpable for this reason, that it continued the excitement unnecessarily, and held up those who had voted according to the dictates of their conscience as marks for contumely and injury. The object of the noble Baron in moving for a return of the sixty Magistrates who acted at the petty sessions of Castlebar might be supposed by their Lordships to mean nothing; but it was with a view to show that they had been got together by him (the Marquess of Sligo), and that their decision had been influenced by the partial information which he had laid before them. With reference to the remarks which had fallen from the noble Baron as regarded the quarter sessions, and with reference to the return moved for of the number of committals at the sessions, he must say, that he could not have the least objection to that return; but if unattended by explanations, it would certainly give an appearance of less crime than actually existed. Nothing was better known in Ireland than that a small number of assaults showed that the country was in a state of disturbance; for that was a proof that the different parties had put aside their private feuds, and were united for one common object. All the evidence too in these cases was on one side. The intimidation that was exercised prevented the people from appearing at the courts to prosecute, and then those who intimidated them objected to them that they did not come forward. As to the

appointment of the coroner, with regard to which the noble Baron had withdrawn his Motion, he begged to observe that the Gentleman who now discharged the duties of that important office was a man of most respectable character, of good sense, and of sound understanding. He knew no man who bore a higher character, and he felt confident that any inquiry which might be instituted into the conduct of that individual would lead to results highly creditable and honourable to himself. He hoped he had left no point alluded to by the noble Baron unnoticed; he, however, begged to ask the noble Baron, on what grounds it was that the noble Baron presented himself as the champion of liberal principles? He was anxious to know what claim he had to that title, and to inquire how far he had proved himself the friend of the people? What obligations did Ireland owe to the noble Lord more than to him, and could the noble Lord produce any flattering testimonial of having contributed to her happiness, and to relieve her distresses such as he possessed? He was unwillingly forced to speak of himself before their Lordships. There was no insult which he had been spared—there was no obloquy which had not been heaped upon him for having done his duty; but he had never been provoked to utter one word of retort, or in his own defence, till he had been assailed before their Lordships. It had been said by an eminent character in the other House, that if the people were not protected, it could not be expected that they would be obedient, and, therefore it was, that he thought it his duty, above all things, to protect the peaceable people. In conclusion, the noble Marquess thanked their Lordships for the attention with which they had heard him.

Lord Templemore felt it due to the noble Marquess who had just sat down to state, that such were the reports as to the situation of the Barony of Gallen forwarded to the Commander of the Forces in Ireland, that that gallant officer had felt himself called upon to direct him (Lord Templemore) to order a troop of the 10th regiment to proceed by forced marches from Longford to Mayo. It was also due to the noble Marquess to state, that in his (Lord Templemore's) opinion) judging from the extensive correspondence which had taken place with reference

to this subject, and from other circumstances, the measure adopted by the noble Marquess for the preservation of the peace and tranquillity of the least disturbed county in Ireland, had been highly commendable. He must bear testimony to the forbearance which the noble Marquess had shown, to the anxiety he had evinced, to save the county of Mayo from the burthen of an additional police force, and also to the accuracy of the statement which had just been made by the noble Marquess to their Lordships.

Viscount Melbourne said, that notwithstanding the grounds on which the noble Baron had based his motion, he (Viscount Melbourne) should offer no opposition to the production of the documents for which the noble Baron had moved; but it was impossible for him, in agreeing to the production, not to guard himself against its being supposed that he gave the slightest countenance to the statements and assertions made by the noble Baron. It was natural, nay, unavoidable, that his noble friend behind him (the Marquess of Sligo), attacked and condemned as he had been, should have gone at length into the statement which their Lordships had just now heard; and the clear and distinct manner in which the noble Marquess had made that statement, and vindicated himself from the charge which had been brought against him, had not only attracted the attention of their Lordships, but convinced them that his conduct needed no other justification. He felt satisfied that their Lordships, bearing in mind the Speech from the Throne, would not consider it proper that he should now enter into the discussion of the question as to the state of Ireland, as it must so shortly be brought before them in a different form. He might, however, be allowed to bear his testimony as to the admirable conduct of the noble Marquess, and also to state that, from the information he possessed, and from the correspondence which had ensued between the noble Marquess and the Home-Office he felt certain that the noble Marquess had discharged his important duties not only with zeal, diligence, and activity, but with a feeling of tenderness and regard to the interests of the people, and without having recourse to any unnecessary measure of harshness or severity.

The Marquess of Clanricarde had heard several of the observations of the noble

Baron with much regret. For himself he must say, that he had never seen a policeman walking through the county, without regretting that such a force existed; but he had never heard any reasonable man say, that the police force had not behaved well, and that it was not necessary for the protection of life and property in Ireland. He could safely and satisfactorily state, that the conduct of that force had been most exemplary. It was not to be denied that human nature might, by the force of events, be sometimes rash, but, on the whole, the conduct of the Irish police force had been most correct. If the noble Baron had read the evidence which had been adduced upon the inquiries following the event to which he had alluded, instead of relying upon his instructions (as the noble Baron had been pleased to call them, which, by the bye, was a new word introduced into their Lordships' debates), of those whose feelings he represented, he would have found that the man who fell had actually thrown two stones before the shot was fired which proved fatal to him, and was actually stooping to pick up another stone, when he was killed. Connected as he was with the noble Marquess, he did not feel it necessary to make any remarks upon the great services of that noble individual during the period at which the Ribandmen disturbed the country. The exertions of the noble Marquess were well known on that occasion, and he thought that the noble Baron ought to have been provided with better information and a few more proofs before he had brought forward the Motion which he had made. True it was, that the hon. Baronet to whom allusion had been made (Sir William Brabazon) had been a Magistrate for the county of Mayo, and the best proof of the manner in which he had discharged the duties of that appointment was his removal from that station. The charges laid before their Lordships were only supported by two Magistrates, and one of them had been guilty of a dereliction of his duty. It was no wonder that the people of Ireland looked with such distrust upon those who were placed in authority over them, when influential persons, who ought to know better, took so much pains to convince them that those authorities were guilty of such gross partiality and ill-conduct as they had been charged with.

Lord *Teynham* thought he was justified

by circumstances in bringing the subject before their Lordships; and though he had been met by taunts, he had only discharged his duty. He felt satisfied that if the documents for which he had moved were laid upon the Table, their Lordships would feel that investigation was necessary. He could almost rely on one document alone—namely, the memorial which had been addressed to the Lord Lieutenant, bearing the signatures of a numerous body of most respectable persons, and which was itself a proof that the barony of Gallen was not in such a state as had been asserted. He had no intention in bringing the subject forward to hurt the feelings of the noble Marquess, but he had only discharged his duty, and he felt satisfied, that by the information which these documents would afford, their Lordships would be of opinion that investigation was called for.

Viscount *Lorton* had no doubt that the noble Marquess, the Lord-lieutenant for the county of Mayo, had discharged his duty in a most efficient and exemplary manner, and he also conceived that the noble Baron (Lord *Teynham*) had been erroneous in his statement with regard to the police force of Ireland, whose conduct, he could say, had been generally most exemplary and correct.

Motion agreed to.

HOUSE OF COMMONS, *Monday, February 11, 1833.*

MINUTES.] Papers ordered. On the Motion of Colonel DAVIES, Salaries of the various Government Officers at the Cape of Good Hope, and all other Crown Colonies.—On the Motion of Mr. PRYME, an Account of all Duties, other than Dock Duties, imposed by Act of Parliament, levied by Corporations on goods Imported into, or Exported from any Ports of the United Kingdom.

Petitions presented. By Sir MICHAEL SHAW STEWART, from Kilbarehan and Paisley; by Mr. CHAPMAN, from Whitby; by Sir ANDREW AGNEW, from Comrie, Nenthorn, and Kirkinner; and by Lord MORPETH, from Long Preston,—for the Better Observance of the Sabbath.—By Mr. HUMS, from Bervies, for a Repeal of the Soap Duty.—By Mr. OWEN, from Milford; and by Lord MORPETH, from Long Preston,—for the Abolition of Slavery.—By Mr. O'CONNELL, from the Shoemakers of Dublin, for a Repeal of the Legislative Union.—By Mr. O'CONNELL, from four Places in Ireland; and by Mr. DOBBS, from Armagh,—for the Abolition of Tithes.

AFFIRMATIONS.] Mr. C. W. Wynn presented the Report of the Committee appointed to examine into the cases respecting the taking of the affirmation by Quakers instead of oaths. In presenting the Report he must state, that the Committee had met with a single case of a scruple to take an oath in the House of

Commons, and two cases in a Court of Law, which had been decided in favour of the Quaker. The Report would be printed, and would be in the hands of Members on Wednesday morning. The Committee had given no opinion with respect to the law on the subject, as they were not required to do so. But on Thursday, he should move that the Affirmation of Mr. Pease be received instead of the usual oaths. He wished it, however, to be understood, that this was only his own individual opinion; and that he was acting expressly from his own suggestion, and not in obedience to any resolution of the Committee.

Report laid on the Table.

ADDRESS IN ANSWER TO THE KING'S SPEECH—REPORT.] Lord Ormelie appeared at the Bar with the Report on the Address.

On the Question that the Report be brought up, being put,

Mr. *Langdale* observed, that though he might be considered irregular in the observations which he was about to make, in commenting upon observations which had been made in a former debate, he could not, in justice to himself, and in justice to his constituents, avoid entering his protest against the interpretation which the hon. and learned member for the Tower Hamlets (Dr. Lushington) had put upon the oath which was taken by the Roman Catholic Members. As he was himself of that profession, he felt, that it was of the utmost importance that the meaning of that oath should be perfectly understood and that it should be known, what it did not mean. There could be no question of more urgency to Members who were situated as he was. It was a question which had already arisen more than once. It must be very disagreeable to any Roman Catholic Member if he could be told, before giving his vote on a subject, that he had taken an oath which prevented him from voting in a particular way. On any other occasion he might have been willing to defer the consideration of the subject, but he was decidedly of opinion that an immediate understanding ought to be come to. It was hard that Catholic Members should be told that they could not enter into any discussion respecting the temporalities of the Irish Church without violating the oath which they had taken on entering Parliament. He

was persuaded there was nothing in the character of a Roman Catholic that would justify any Member of that House in insinuating that he did not pay attention to his oath. He was himself a Catholic, but out of a constituency of a 1,000 there was only one Catholic in the borough he had the honour to represent. It was important, therefore, particularly to him, that he should not be placed in a false position, and that it should not be thought a Catholic could not vote as independently upon all questions as a Protestant. When he said all questions, he meant questions of property, for, unless Catholics could vote upon the question of the temporalities of the Church, they could not vote upon questions relating to corporations. He would no more enter into the alteration of corporate property than of the Church property. His oath was equally obligatory in both instances. What he was exceedingly anxious to ascertain was this: if any Member supposed that a Catholic could not give the same opinion as a Protestant, he ought to rise and profess that opinion. He should like to know the opinion of hon. Gentlemen opposite, who cheered a remark made by an hon. and learned Member, whether, in their opinion, a Catholic stood in a different situation from a Protestant Member. He would go somewhat further than this. His Majesty's Ministers, in the exercise of their discretion, had advised the King to recommend to the House a consideration of the temporalities of the Church; and the noble Lord had given notice of a motion which was to come on to-morrow. Did a Roman Catholic stand in any respect in a different situation from his Majesty's Ministers? The oath taken by Ministers was: "I do swear never to exercise any privilege to which I am entitled, in order to disturb or weaken the Protestant Government in the United Kingdom." The oath of the Catholic was: "I do solemnly and sincerely, and in the presence of God, profess, testify, and declare, on the true faith of a Christian, that I will never exercise any power to injure or weaken the Protestant Church, as by law established." Was there any difference between the oath of the Minister and the oath of the Roman Catholic? If he understood the hon. and learned Gentleman on the other side right, he meant to say that a Roman Catholic had no right to interfere with the temporalities of the Church—

that every slight interference with the property of the Church would be said to go to the destruction of the Church. If the hon. Member said, that he (Mr. Langdale) was, by his oath, prevented from interfering with the temporalities of the Church—the temporalities being under discussion—then he should withdraw. He would rather take that course than be reminded that he had no right to interfere with the Church. It would be for the benefit of all parties that this matter should be set at rest one way or the other, that no Member should in future run the risk of being taunted. The hon. and learned member for the Tower Hamlets, had certainly declared that, touching the temporalities of the Church, and destroying the Church, was the same thing. Now, what was the destruction of the Church? Ministers and their friends would be loth to say, that a Reform of the Church went to its destruction; and the right hon. member for Tamworth and his friends would, perhaps, be inclined to say, that a very slight interference with the property of the Church went to its destruction. He did not think there was any distinction to be drawn between what the hon. and learned Member had said, with respect to the destruction of the temporalities of the Church, and the destruction in part. If he were to be told that he was not to go into the discussion of this question, following his own opinion, but remembering that he had taken an oath which prevented him from discussing it, he ought not to be in Parliament. It would be greatly to the satisfaction of the Catholic Members in that House, and he thought to every Member in the House, to have this question set at rest.

An *Hon. Member* said, that as long as the oath was taken, he certainly did consider the Catholic Members of the House differently situated from other Members, *quoad* the Church. As the hon. Member had challenged those Members who entertained such an opinion to state it, he thought it right to do so.

Mr. *Ward* declared, that if he thought he, as a Catholic Member, was differently situated to any others in the House, he would resign his seat at once. He considered himself quite as competent to enter upon the discussion of the affairs of the Church as any Member in the House.

Mr. *Hume* thought, it would be more

satisfactory if his Majesty's Ministers would take the present opportunity to explain what their sentiments were with regard to the doctrine laid down the other night by the hon. member for the Tower Hamlets (Dr. Lushington), in respect to the nature of the oath taken by Catholic Members of that House concerning the Established Church. At all events, the law officers of the Crown should say, what their opinion on the subject was. He had been asked this very day whether it was the intention of his Majesty's Ministers to support such a doctrine? It was so entirely destructive of the legislative powers of Catholic Members with regard to the Established Church, that, though he had no difficulty in expressing his opinion on the point, an opinion in which he believed that he was joined by most sensible men who gave it any consideration, yet it did appear to him very desirable, seeing that such a doctrine had been so emphatically laid down by the hon. and learned member for the Tower Hamlets, that his Majesty's Ministers should at once declare what their sentiments were upon the subject.

Lord *Althorp* said, the hon. and learned Gentleman alluded to had no more right to state the opinion he had given, except as his own opinion, than the hon. Gentleman had to state what was the opinion of that House. Ministers had no business to give any interpretation of the oath, nor ought they to be called upon for their opinion. It was of course open to any member of the Government, or of the House, to state his opinion on the point in the course of the debate, and to argue the question if it occurred to him. He thought the hon. member for Middlesex was not justified in asking such a question.

Mr. *Hume* said, he did not ask, that the noble Lord should give his opinion, but he asked for that of the law officers of the Crown. For himself, he was perfectly indifferent, as he had quite made up his mind upon the question. Still, as a doubt existed in the minds of some hon. Members, the opinions of the law officers of the Crown should be given.

Colonel *Davies* hoped, that the hon. member for Middlesex did not mean to give such an immense power to the law officers of the Crown. The only constitutional way was to take the sense of the House upon the question.

Mr. O'Connell said, he would not allow any man to dictate to him what his belief was to be. If he had taken the oath in a sense in which the House did not understand it, he ought not to be one of its Members; for if he considered the oath to be different to the construction which he put upon it, he would not have taken it at all. He was aware that an oath ought to be taken in the sense of the person administering it, if the words would at all bear out that sense. When, therefore, he had, as a Catholic, suffered twenty years in consequence of his respect for an oath, he could not bear to hear it said, that he had taken an oath equivocally, much less that he was one of those who held an oath lightly; and he thought, that if he had been guilty of any unpleasantness the other evening, when an insinuation was thrown out that any Catholic Member voting for any alteration in the Church Establishment was doing so in violation of the oath he had taken, such unpleasantness was not altogether inexcusable. The interpretation which he put upon the language of the oath was this—that the Roman Catholics were bound, as were the Protestants also, to support the Church Establishment so long as it continued to be the law. But, as a legislator, he considered it perfectly competent in him to make any proposition for, or to be any party in, altering these laws. That was his understanding of the construction of the oath; and if it was not that of those who administered it, he would not stay there to be taunted as one who would lightly profess the name of God, believing, as he did, that he must answer for his conduct in eternity. He meant to oppose the bringing up of the Report. It was painful to him to detain the House upon this subject, which had for such a length of time occupied their attention. But it was his duty—a duty which he performed most reluctantly. He believed that none of his hon. friends from Ireland, who had already taken part in the debate, intended now to Address the House upon this subject unless personally attacked. He was contending for constitutional freedom, and he felt that the acts contemplated by Government were so opposed to that freedom, that if he could only delay them for a single day, he was doing that for his country of which he was most proud—it was an act for which he would lay down his life if necessary. Considering, indeed, the present

state of Ireland, and the avowed intentions of Ministers towards that country, he thought it his duty to contend the ground, inch by inch, and oppose their measures, however hopelessly, at every stage. He should oppose the Report of the Address being brought up, because that Address was stigmatized by its brutality and sanguinary disposition towards Ireland; and whatever might be the result, he should at least have the satisfaction of knowing that he had struggled to the last against it. He was taunted as wanting in gratitude to his Majesty's Ministers, who, it was said, had placed him where he was. It was not the case. It was true, even proverbially, that a woman ought not to be grateful at the expense of her honour—a man of his integrity—or a legislator of his country's liberty. It was not his Majesty's Ministers who had placed him there, but the people of Ireland. His Majesty's Ministers, indeed, had sometimes contributed towards it, but they had also sometimes retarded it. He did not take his statement of the transactions of 1806 and 1807 from his hon. friend near him (Mr. Cobbett), but he would say, that there was scarcely a man of them who had not, once at least, accepted office on the footing of throwing the question of Catholic Emancipation overboard. Even Mr. Canning, it was well known, consented to such a stipulation. He threw back the charge of ingratitude. The Ministers had forgotten the gratitude due to him and the Irish Members. They had forgotten that, but for the conduct of the Irish Members, they would never have gained the Reform Bill itself. When that Bill was in danger, though he had been persecuted by them, he forgot his persecutions—the Irish Members forgot, for a moment, the wrongs of Ireland: and when the majority of the English and Scotch Members were against the second reading of the Bill, the Irish Members turned the scale, preserved Ministers in their places, and the Reform Bill from destruction. And yet they talked to him of ingratitude. Again, when the Parliament was dissolved, in consequence of the success of General Gascoyne's motion, which was insidiously directed against Ireland, what did the Irish then do? Despite the despotic exertions of the landlords—at the expense of many a suffering father, and many a broken-hearted mother—they sent to the British Parliament a phalanx of sixty-five

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Irish Reformers, ready to give them the most unequivocal support in carrying through the Reform Bill. Oh, he was glad that they had thus ventured to upbraid him with ingratitude, that he might fling these recollections in their teeth, and bid them think on what Ireland had done for them, and then blush for their own conduct towards Ireland. And this was the reception which complaints of Ireland were to meet with from the first Reformed Parliament. He well recollected having been often told, previous to the emancipation of the Catholics, by a friend of his now connected with the Government, that it would be most absurd for them (the Catholics) to do that which they had often proposed to do—namely, to postpone their demands for emancipation, and to join with the Reformers of England in calling for Parliamentary Reform; “for (added his friend) of this you may be sure, that an English Reformed Parliament would never grant you emancipation.” He did not believe his friend then—indeed, he laughed at the supposition; but was he of the same opinion now? Certainly not. He was convinced that if emancipation had been delayed to the present day, it would not be carried by this Parliament; and he grounded that opinion on the fact, that nine-tenths of the English people, whom the present Parliament was considered to represent, had petitioned against emancipation. He therefore threw back the taunt of ingratitude upon those who had reproached him with it. He threw back upon them the taunt of ingratitude. Did Ireland ever deny help when England claimed it at her hands? The flag of England never braved the storm of battle, but Irish arms were there to uphold it; and of all the brave hearts by whom it had been surrounded, none were more numerous than those whose first pulsation was in his native land. His countrymen felt warmly towards the English people, but, alas! no attempt was made to take advantage of this sentiment—no attempt to conciliate them—no promise of redress for those wrongs of which they so bitterly complained. What a glorious opportunity was afforded to the Ministers of manifesting in the Speech from the Throne their firm determination of bringing forward remedial and healing measures for Ireland. They might have immortalized themselves, had they done this, and won the love and gratitude of

his countrymen for ever. But no—and the Reformed Parliament, which ought to have been animated by similar feelings—that Parliament, too, joined in the universal shout of exultation at hearing the mode in which his country was proposed to be treated by one of those who had made that country what it was. Yes, instead of soothing Ireland, they had resolved to exasperate her—they had resolved upon restriction, coercion, and taking away the law. They were told, that they must have a strong Government—and that a Government must be feared before it could be loved. Whose doctrine was this—whose example did the Government propose to follow? It had been tried by Robespierre—it had been tried by Marat—it had been tried by men who had surrounded every tree of liberty with 1,000 heads; they had said, that fear must precede love—but that such a doctrine should have been propounded by a British Minister—that a principle so atrocious should have been asserted in a Reformed House of Commons, was a stretch of despotic daring which exceeded even his expectations. If he was surrounded by English Reformers, and if by some chance English Reformers were not unrepresented in that House, he would ask whether they would favour the principle of Robespierre, of being feared before they could be loved; or whether the Government should not adopt measures of conciliation and justice before they employed the machinery of terror? What sort of a King’s Speech, he would ask, had been presented to a first Reformed Parliament? There was a pretty little commentary made on the affairs of Belgium and Holland—a note talked about as having passed between Don Miguel and Don Pedro—a few sentences composed upon the Charters of the East-India Company and the Bank of England; but why had not Ministers condescended to notice the distresses of the people of England? Why had they not noticed the oppressive load of taxation under which they groaned? And then, when they had done this, they might have cast their eyes across the channel, and taken a view of seven millions of people, degraded and placed in a situation of the deepest distress—a people whom it was not for him to praise, but whom he could not cease to love. If they could not relieve, they might have commiserated. Ought not Ministers to soothe instead of endeavouring

to intimidate them, and making themselves execrated by that nation? Did they mean to say, that they would make themselves feared in Ireland? He would tell them to their face they never would. This was not language which ought to have been adopted towards that gallant and fearless nation. It was brutal language—they should have used other terms. Even if they had wanted coercion, Ministers ought not to have come down on the very first day of the meeting of a Reformed Parliament with threatening language—they should have allowed at any rate four days to pass—they ought to have taken the opportunity of setting themselves right with the people of England, before they had resorted to such daring language in respect of unhappy Ireland. Ireland had received much lip service from the hon. Gentleman who spoke from the other side of the House; but there was nothing that his countrymen were more dissatisfied with than that species of political hypocrisy, that talked of love and regard for Ireland, while it made a compliment of granting liberty to the people of that distressed and unhappy country. Would any man in England permit his Majesty's Ministers to talk of allowing them liberty as a favour? A great mistake had been made regarding the agitation which now existed in Ireland. There existed in Ireland a predial or agricultural war, and a political war. Nothing could be more different than these two wars. They were different in their effects—different in their causes—and required different remedies; and yet they were too frequently confounded. He begged to assure the hon. member for Knaresborough (Mr. Richards), that he was mistaken in the story which he related to the House a few evenings back. He had made strict inquiries, and he found that instead of the wages of the labourers being limited to 3s. a-week, he assured him that, in many remote counties, the wages did not exceed 2s. per week. Agricultural agitation existed quite independently of politics. What were the political disturbances in Ireland which required these new powers? He was perfectly ready to admit the existence of numerous predial crimes there; but those were totally ignorant of the real state of Ireland, and received the wholesale assertions of his Majesty's Ministers with much too great facility, who confounded those predial crimes with offences of another

description. An hon. Member had asserted, that he (Mr. O'Connell) had declared that disturbances had been increasing in Ireland ever since the present Ministers came into office. He had never said any such thing. What he had said was, that they had increased since the Speech made by the King at the close of the last Parliament, in which vigorous measures were alluded to, and since the strong measures which had been adopted with respect to tithes. But what was the present state of Ireland with regard to disturbances? There were no disturbances in the county of Cork. The two last Assizes for that county had been maiden Assizes. There had been five tithe meetings in that county, and not a single assault had been committed at any of them. By a letter which he had received that morning, he understood that there were no disturbances whatever in that county, and that not one Whiteboy was out in it. Yet the number of inhabitants in that county exceeded 700,000. In the county of Kerry, with a population of 260,000, though eight months had elapsed since the last assizes there, there were only eleven prisoners confined in the county gaol, and of those five were in prison charged with rape; for in consequence of the non-existence of Poor-laws in Ireland, it was not an uncommon thing for females who had become pregnant, and who if in this country, would have had the means of applying to the parish for support for their offspring—it was not an uncommon thing for such females in Ireland to swear a rape against their seducers with the prospect of forcing them to marry them. In the city of Limerick the third city in Ireland, and with a large agricultural population in its suburbs, there were only eleven prisoners confined in gaol. The county of Clare was now perfectly quiet; he believed that Galway was quiet too, and so were Sligo and Roscommon. The county of Mayo was said to be disturbed, and additional powers were, it was said, to be asked for with respect to that county. If he (Mr. O'Connell) should hear them asked for, his blood would boil with indignation. He knew that there had been some recent slaughters by the police in that county. One of them was occasioned by the Marquess of Sligo's endeavouring to prevent the people from collecting the sea-rack on the coast. It had been their custom from time immemorial so to collect it, and, at

all events, their right to do so should not have been tried in the manner that it had been in this instance. It was by the agent of the proprietor, who sat on the bench as Magistrate, that it was decided that the people in so doing had come under the Wilful Trespass Act, and it was he who sent out the police with summonses against the people the result of which was, that the unfortunate man was shot. It had been said that Trial by Jury had failed in Ireland. He would defy them to point out a single instance in which it had failed in Ireland, where the poor man or the peasant was the object of prosecution. He was glad to see the hon. member for Mayo take his seat. He would now say, in his hearing, that if there were no other reason for his opposing the granting of extraordinary powers with regard to the county of Mayo, it would be the conduct of the magistracy and gentry in that part of the country. It should never be forgotten that at the time of the French invasion, when the French troops landed at Killala, those who ran away, and who left the British troops to repel the invaders, were the local militia, with the local magistracy at their head, and yet, afterwards, when extraordinary political powers were intrusted to them, none were so inveterate in exercising them against the people. They might send German troops to Ireland—and he had heard a report to that effect—they might with foreign mercenaries, endeavour to crush the liberties of that country; but he would tell them that they would not succeed. The learned Member proceeded to contend that Ireland was not in such a state as to justify the granting of the powers demanded by his Majesty's Ministers; and in support of his statement, he read a letter which he had received within the last few days from a Magistrate in Ireland, in which the writer said that his part of the country had been comparatively quiet during the last fortnight; but, the writer said, he was sorry to add, at the same time, that while so many persons were in want of employment, it was impossible to expect happiness or tranquillity in that country. All parties agreed as to the necessity of putting an end to the existing disturbances; the only difference was, as to the means. There were two questions which ought to be well considered—first, if there was any necessity for further powers? Secondly, what would be the effect of

further powers, if they were given? To be able satisfactorily to answer those questions, the present state of the law should be inquired into. By the law, as it at present stood, there was not a single crime which a Whiteboy insurgent could possibly commit, for which he might not be punished. Whether he raised his hand against a dwelling house, opened a door, or solicited arms in aid of the disturbances, he was equally amenable to the law. Why, then, did the right hon. Gentleman ask for more than the law, which was already adequate to the object? It was rather ludicrous to find the right hon. Secretary, who, last year, thinking that the powers thus afforded by the Irish law had too much of exaggerated severity about them, brought in a bill to mitigate that severity, now asking for powers beyond that law which he last year was of opinion ought to be mitigated in its severity. Last year the right hon. Secretary, at the suggestion of the able Crown Solicitor for Ireland, was for mitigating the severity of that law which he now seemed to think was not severe enough. The right hon. Secretary now avowed a principle with regard to Government—the principle, that it must be feared to be loved—which had been only known before in the reign of Robespierre, in France; but he (Mr. O'Connell) would remind the right hon. Secretary and his colleagues, that that reign had been a short one. When Lord Anglesey was in the county of Clare, he said that he would not call upon the people to give up their arms until the gentry should do something for their relief; 11*l.* per acre was at that time paid in Clare by the poor for their land. The declaration of Lord Anglesey was a humane one, but it was not a wise one. It was true that eleven policemen were afterwards murdered in that county, but the murderers of the whole eleven were brought to justice, and the informer who informed against them was now walking that county unmolested. Several also who had taken part in the disturbances in that county were transported, and the result was, that the county of Clare became perfectly quiet. The existing powers of the law were exercised with vigour, justice was vindicated, and the tranquillity of Clare was restored. That county had sent them two Members to the last Parliament, who voted on every division in favour of the Reform Bill, and the return which they were now about to give to the

people of Clare was to deprive them of the benefits of the British Constitution. He would repeat again, that more powers were not wanted by the Government to repress outrage and disturbance in Ireland; all that was required for the purpose was the due and vigorous exercise of the existing powers afforded by the existing law. In the Queen's County, during the course of the year, they had a Special Commission, by which several prisoners were convicted and transported. There was no keeping back of witnesses there; there was no manifestation on the part of Juries of a disinclination to do their duty. The right hon. Gentleman had endeavoured to make out a case by a reference to what had taken place in Kilkenny. Now, every one of the Whitefeet brought to trial there had been convicted; so much for witnesses keeping back, and for Juries not doing their duty. He would admit that, in the Carrickshaugh affair, in which eleven or twelve policemen had been killed in an open battle with the country people, a conviction had not taken place, but that was no reason why Trial by Jury should be taken from the people of Ireland; and he would just explain why it was so. He defended the first prisoner that was put upon his trial for that affair. There was no attempt to justify the transaction itself, as it was unjustifiable, but the whole question turned upon the identity of the prisoner. He was identified as one of the murderers by three out of four policemen, who swore that he was engaged in the battle. But then upon their own acknowledgment, they had never seen the man until they saw him, as they alleged, in the heat of the battle, and they so contradicted each other in their accounts of the whole transaction, that it was impossible to rely upon their testimony where a man's life was at stake. Then, for the defence, he (Mr. O'Connell) amongst other witnesses, produced a witness of the better class in life, who swore that the prisoner was employed by him on the very day, and at the very hour, that this transaction occurred, in thatching a house for him. The Jury, after much consideration, acquitted the prisoner. Did that case furnish any reason for taking away Trial by Jury in Ireland, for suspending the *Habeas Corpus* Act there, and for depriving Ireland of the benefits of the Constitution? The foreman of the very Jury that was selected for the trial of those prisoners was chal-

lenged by him (Mr. O'Connell,) when on the panel, for being an outrageous partisan, and the Clerk of the Crown and the Attorney for the Crown having been sworn to try the challenge, found that he was a partial man, so he was accordingly set aside; but after the panel had been exhausted, the Crown put him and four others who had been set aside upon the Jury. He had been taunted with resistance to the laws in Ireland, and it had been said, that Jurors and witnesses were intimidated, and durst not come forward; but where had there been any want of Jurors—where had there been any want of witnesses? There were no Jurors wanted in any of the counties, and as for witnesses, the only deficiency that he was aware of was on the part of the Government themselves. The fact was, they had no witnesses to be intimidated; they had not the testimony to convict offenders, and yet they cried out for the enforcement of the laws to punish those who intimidated. They wanted witnesses. Yes, he believed them. It was testimony that they wanted, and they cared not how they procured it. Why not destroy the Irish by wholesale? Why not surround them in a valley, and render that valley another Glenco? Why not treat them as some years ago they treated 120,000 of their countrymen, whom they got together for expatriation; 80,000 of whom they shipped to the West Indies, of which 80,000 only 60,000 reached the West Indies; and of which 60,000, in two years, only 250 survived, the rest having died of starvation? And yet he was convinced that the right hon. Baronet near him was a much better Minister for Ireland than the present right hon. Chief Secretary. The right hon. Baronet was a philosophical statesman—he did not confound things which were a century distinct—he would hesitate to recommend unconstitutional measures. The right hon. Secretary (Mr. Stanley) had taunted him with the disturbances of Ireland, and with the atrocities with which they had been accompanied. The case of the reverend Mr. Ferguson, a Catholic clergyman, who was inhumanly massacred, had been referred to. That gentleman carried the question of the composition of tithes, by the aid of the Irish peasantry, against the landlords, and he had a long struggle for it before he could accomplish it. He (Mr. O'Connell) was counsel for him on the occasion of an appeal to the

higher tribunal: the opponents were rich and powerful, but the victory was gained; the clergyman was assassinated, but the hon. Recorder of Dublin was mistaken as to by whom he was assassinated: his enemies were not the peasantry of Ireland. Then the case of Hewson was referred to. That was a "robbery" murder, not a massacre; the individual had quarrelled with a private servant of his household, who murdered him. He (Mr. O'Connell) did not mean to say that there was no crime in Ireland; on the contrary, he admitted its existence to the greatest extent; but were Ministers taking the best mode of abating it? Were they doing their best to allay the inflamed feelings of the peasantry by consulting their wishes or even their prejudices? No; they were desirous of affronting the Catholic Clergy; and he could tell the House, that if there was one mode more certain than another to perpetuate the disturbances and consequently the miseries of Ireland, it was to put a slight and an insult upon the only body who could hold a check on the vengeance of the people. To insult the Roman Catholic Clergy was to outrage the feelings of the whole people of Ireland. But the truth was, that Ministers did not want their measures of coercion for the good of Ireland—they wanted them for another purpose. When he (Mr. O'Connell) saw them attempting to confound the political with the agricultural agitation of Ireland, he was convinced what was the real purpose for which those powers were required. He could not but admire the *bonhomie* of the noble Lord, who spoke of the good intentions of his Majesty's Government. Did the noble Lord recollect the Spanish proverb, which said that "Hell was paved with good intentions?" Had there been a petition presented from Ireland, complaining of distress or of wrongs, that the noble Lord (the Chancellor of the Exchequer) did not find some miserable excuse for its not being printed? He (Mr. O'Connell) and his colleagues, the Representatives of Ireland, had been taunted for not having brought forward the question of the Repeal of the Union; it had been looked upon as a sign of cowardice, and as a proof that they had abandoned the project, to accomplish which they had been returned to Parliament. Did the hon. Members who had thus amused themselves suppose that this hanging-back was because they (the

Representatives of Ireland,) had not arguments to support the call for a Repeal of the Union? They were mistaken if they did. But he would ask the House of what use the bringing forward of that question, or rather of the arguments in support of it, would have been when the very mention of the subject as one of debate was interdicted by the Address against which he was now protesting. To show, however, that the question had not been abandoned from weakness of argument, he would say a few words to the House on the subject of this Repeal of the Union. The Union itself was but an Act of Parliament, and the repeal of it would but be an Act of the Legislature also. So far the question came under the cognizance of that House. If the question came before them as one of dismemberment, he would be as averse to it as any hon. Member could be, for no man could be a more ardent lover of his country, and advocate of her welfare, than he was; but he need hardly repeat, that he did not look upon the repeal as a measure of dismemberment. An hon. Member, somewhat too philosophical in his reasoning, had declared, in speaking the other evening on this subject, that there could not be two Parliaments—that there could not be two legislative bodies, and one Executive; but he (Mr. O'Connell) appealed to facts, and declared that, with some exceptions, the Parliament of Ireland had practically refuted the hon. Member's reasoning. That Parliament had been charged with rottenness, but had it ever been more rotten than the English Parliament, even than the Parliament which had last sat in that House? The object of the Ministers in the Address was to put down the discussion of the important question of a Repeal of the Union, and their conduct had been of a piece throughout their political life. Who enacted the penal laws? Who prepared the Insurrection Act? The Whigs. When, and when only was the venerated name of Grattan called into question? When he joined with the Whigs in that same Insurrection Act. But to return to the charge of the keeping back of the question of Repeal. He (Mr. O'Connell) had been told by an hon. Member that he had suffered judgment to go by default; but what was the fact? He had commenced the agitation of the Repeal question in 1801, and had advocated it in every place, and at every meeting since that period. He continued

until he was offered emancipation; but he refused emancipation unless it was to be followed by a Repeal of the Union. The right hon. member for Tamworth had asked, why he did not bring forward the question last year. He had no doubt the right hon. Baronet would have been well pleased had he adopted that course, and he should have been as much lauded as the hon. Member (Mr. Hunt) whose seat he now occupied, had been lauded on another occasion, when he pursued a course somewhat similar. The excitement in Ireland had continued until the question of Reform began to be agitated in England. He had then been promised a sufficient Bill for Ireland, and a redress of grievances; and on this, much against his own judgment, he consented that agitation should cease. Accordingly, he used what influence he possessed with his countrymen—and he possessed none which did not appeal to their good sense and good feelings—and agitation was given up. Scotland had a good Reform Bill extended to her; but what was vouchsafed to Ireland? A miserable, insulting, paltry, degrading measure, one that was dastardly and mean, and told the people in what ignominy and contempt they were held by their rulers. The question of the Repeal of the Union was abandoned, or rather left to slumber until the sitting of the Reformed Parliament, in the expectation, as it would appear, of justice being, by its efforts, done to Ireland. He would, however, tell the House for himself, that he never, for his own part, placed reliance on the promises that were made: he never did really think that justice would be done. The end had fully justified his forebodings, for he had come over from Ireland with the list of her grievances; he had declared them aloud to that House, and he had been met by the clause in the Address which called for the means to add to those grievances immeasurably. Had the Ministers and that House listened to the earnest petitions of Ireland for redress? If they had redressed her grievances, he need not tell the House how they would have been requited by the feelings of the people of Ireland, nor how they would have stood before that country. They would have fixed the waverers, and have confirmed the loyal. But as it was, he (Mr. O'Connell) knew not to what extent the feelings of those people would carry them. When he heard the Speech from the

Throne, he nearly lost his senses, but he was determined not to be shaken or to be turned from his purpose. Not one of his forebodings—not one of his expectations had been denied by that Speech. If they called changing the form in which tithes were to be paid enough to satisfy the nation—if the Church was to be kept up in the same state, with the same staff and the same emoluments—it was but a repetition of the miserable joke of “Joe Miller” about the soldier and the drummer. What did he care—what did it matter—whether they flogged high or flogged low, if they flogged the people of Ireland at all? He had stated the grievances of Ireland, and called for redress. Redress was denied, and the Repeal of the Union was looked to. There were many men in Ireland—rational, thinking men—who had not hitherto joined in the cry, who, after reading this Speech, would do so. Were the people of Ireland so degraded that they would attend to no reasoning—that argument must have no weight—but that they must be checked and put down by the witchcraft of unconstitutional warfare? The right hon. Secretary called upon the repealers for their arguments much after the fashion of the beggar in *Gil Blas*, who asked for alms by the roadside with his gun elevated. The right hon. Secretary had his gun of coercion in the Address, and then asked the Repealers for the arguments which were to draw down the fire from it. He thought much might be said in favour of the Repeal, and though he would not enter at length into his own opinions, he would state to the House the opinions which some eminent men had delivered respecting the Union:—‘I cannot forget,’ said one, ‘the unprincipled means by which the Union is promoted. The measure tends to degrade the country, by saying that it is unworthy to govern itself. It is the denial of the rights of nations to a great country, from jealousy of her prosperity.’ Who said this? It was no mean authority. It was a Lord Chief Justice of Ireland. He would next prove, by the highest authority, that there was no legal right to establish the Union:—‘You may make the Union binding in law, but you cannot render it obligatory in conscience. Obedience may be enforced as long as England continues powerful, and during the same time resistance will be a question of prudence.’ Who said that? No less

a man than Mr. Saurin, who was for twenty-five years, Attorney General for Ireland. 'I deny,' said another great man, 'the competency of Parliament to effect this Union. I warn you, that if you pass an Act for that purpose, no man in Ireland will be bound to obey it. I make this assertion deliberately; and I call upon any man who hears me to take down my words. Yourselves you may extinguish, but the Parliament you cannot. It is enthroned in the hearts of the people, and is as immortal as the island in which it exists. It is as vain for us to think that we can destroy the Legislature of Ireland, as it is for the frantic maniac, who destroys his body, to imagine that he can extinguish his eternal soul.' Who said that? A man who was afterwards Attorney General, and who is now Lord Chancellor of Ireland. Let hon. Members not imagine that the Union was not a subject which rankled in the breast of Irishmen. The Union was brought about by the foulest means ever employed in political jobbing; and he would read to the House a few short sentences in support of this assertion. 'The basest corruption was resorted to to produce it. All the worst passions of the human breast were set in motion; all the worst acts were employed to bring it about.' This was the language of Chief Justice Bushe. He hoped he had now established his proposition by the extracts which he had read. But he was told it was impossible that the Union could be repealed, because another regency question might arise. What weight was there in this objection? Was not the regency question a new one? There was a King insane, his successor of full age; the Minister opposed the claims of the latter, and the opposition supported them. It was possible that the Irish Parliament might have taken a different view of the question from the English Parliament; but what great embarrassment and danger would have arisen from that? The King *de facto* of England would necessarily have been the King of Ireland. He had merely alluded to this point in order to show the miserable grounds on which it was attempted to obtain a triumph over him. Some financial details were introduced into the discussion of last week, and the hon. member for Knaresborough had given the House some admirable specimens of vulgar arithmetic, in comparing

the Irish imports in 1800 and 1825, with the view of giving the balance in favour of the latter year. If he (Mr. O'Connell) wished to enter into this subject at the present moment, he could show the hon. Member that the difference in the official value, between the two periods, amounted to ninety per cent. He could prove that the imports of Ireland were greater in 1800 than in 1827, whilst those of England were much greater in the latter period than in the former. Take, for instance, six articles—namely, tea, tobacco, rum, brandy, wine, and sugar. In 1790, the value of these articles imported into England amounted to 37,000,000*l.*; in 1800, to 47,000,000*l.*; and in 1827, to 71,000,000*l.*; exhibiting a regular progressive increase. The value of the same articles imported into Ireland in 1790 amounted to 7,000,000*l.*; in 1800, under her own Parliament, it was 12,000,000*l.*; exhibiting an increase of one-third, whilst in the case of England during the corresponding period the increase was not one-fourth; in 1827 the importations fell back to 9,000,000*l.* If he were wrong in his facts, he hoped hon. Members would show that he was. He would yield to argument, but not to brutal force. If the law be infringed in the prosecution of the question of Repeal, let that infringement be punished, but let no attempts be made to suppress discussion. He would refer to another point on which injustice had been done to Ireland. According to the Treaty of the Union, Ireland was to pay only 67,000,000*l.* of the debt. Three years of domestic peace, under a domestic Legislature, would have enabled her to pay off that sum. In 1817, however, the Imperial Parliament passed an Act which repealed the protection that Ireland had derived from the Articles of the Union with respect to the debt, and all the land and industry of Ireland was mortgaged for the payment of the national debt. And why did they do so? Because they had the power. And what was their justification? Oh, it was irresistible. They were right—*parceque les plus forts, ont toujours raison*. Therefore, when the present Government spoke of coercing Ireland, there was something in it which might be directed to the sympathies of Englishmen. Their pockets might be touched, a quarter in which they were particularly sensitive; he spoke this in no disrespectful mood towards the English

character, which might proudly compete with that of any other nation, but he submitted that what he stated was a fact which could not be controverted. Well, assuming this as a fact, all he wanted was, to be allowed to argue this same question with the people of England. Were they to be coerced because they talked of their own affairs—because they sought for means to better their own condition, and save that of other people from getting worse? Who, in Scotland, lowered the condition of her people, by working almost for nothing? The wretch flung from Ireland. Who filled the factories all over England, and reduced the already too low rate of wages? The outcast of Ireland. Who made the Poor-rates so burthensome? The Irish; not casually, but he confessed it, designedly. Who brought such misery and ruin on the agricultural labourer? The forlorn Irishman coming even from the wilds of Connaught, a distance of 500 or 600 miles, and slaving for that which an English labourer would turn from with disgust. This was extending, day after day, to town after town, as it were reproaching England with her injustice to Ireland. What Gentleman would introduce a plan for getting rid of this growing curse? There was no remedy but a Repeal of the Union, or, as some persons thought, the enactment of Poor-laws. And when he ventured to express an opinion on this subject, he had been taken to task by the noble Lord (Lord Ebrington). Now, the noble Lord was the last man in the House from whom he should have expected such an attack. And when he heard him reproach him, he (Mr. O'Connell) felt convinced of the absolute necessity of a local legislature. The hon. Gentleman opposite contended, that Ireland must be devoted to Poor-laws; but, for the sake of the rich, he resisted them. A Poor-law in Ireland would be a sort of Agrarian Law. It would be a confiscation of property to every rich man. This system of plunder might, indeed, enable the poor to exist for a couple of years; but what was to follow? There was no need of a reply. When, therefore, he said he resisted Poor-laws for the sake of the rich, he did so really for the sake of the poor, for the safety of the State, for the maintenance of civil society. Aye, but they were not going to give Ireland their own system of Poor-laws; the system was to be changed—to be improved. Yes, but

would they first take the trouble to improve their own Poor-laws? They knew right well that they could not be improved. In Ireland, he repeated, they might, by confiscating the property of the rich, maintain the poor for a year or two. Let them, therefore, throw Ireland their admirable Poor-laws; but let them expect first the destruction of the capital of the rich, and the employment of the poor; next, a regular servile war; and, lastly, the ruin of Ireland. And, touching agitation—they deprecated agitation—they detested it—they fulminated proclamations, and instituted prosecution after prosecution to put it down. Were they so blind as not to see that agitation would increase a hundred-fold after the passing of the Poor-laws for Ireland? And what had the Government gained by those proclamations and persecutions from which they promised to refrain? In a letter of my Lord Anglesey's, dated November, 1830, that noble Lord declared he would govern by no such means. In January, 1831, he used them. Lord Anglesey possessed, no doubt, all that chivalry which was the glory of a British soldier. All men gave him credit for it; and, at the same time, all men knew that, according to the high code of military honour, the word of a soldier was as binding as the oath of a civilian. And yet mark the facts. Lord Anglesey had solemnly promised—Lord Anglesey had deliberately broken that promise! He might attempt to equivocate out of the trammels of this charge; but if he did so, the attempt would be regarded in the same light as if it occurred in the case of a civilian. It would be treated with contempt. The noble Lord, too, had prosecuted the Press with unexampled fury. For one instance, there was the case of the *Waterford Chronicle*. Not only was the proprietor imprisoned, but the wretched mechanic who printed the paper. Now he would give them a warning. Let them attend to what he said—for he meant it, and he would give them the advantage of a warning. If they assailed the Press, there should be a run for gold. He gave them that notice. He denied that he had ever hitherto recommended such a course, though the contrary had been asserted—but let them assail the Press, and a run should commence on the Bank. The maxim on which the Government seemed to go was, that the country was to be ruined for its good.

The Government was to be feared first before it could be loved. Were they quite sure of this? Were they sure their measures would have the effect of inducing Ireland to fear? Did not they know that there were Irishmen in all quarters of the world, awaiting the calm and happier hour which might permit them to return to their native country; and would not the baleful words of the right hon. Secretary, borne wide as the winds to them wherever they might be? Were they so secure, he would ask, of trampling Ireland under foot? Would English reformers sanction the Robespierrian atrocities which they meditated? Besides, were they quite tranquil and free from care at home? Had they no starving manufacturers, no unemployed labourers—no unquiet spirits in England? He bade them pause, and consider well before they commenced their system of coercion upon Ireland. Would the Government put forth a proclamation of war, and slaughter, and devastation, against the people of Ireland? Were their passions to be roused, and their terrors to be excited for the safety of wives, and daughters, brothers, sons, and husbands, and all their nearest and dearest kindred? There were 100,000 Irish persons in the city of London itself. He was able to prove it. He menaced not—he merely stated facts [laughter]. He believed, after all, that it was a menace in spite of him. He had detained the House at considerable length. He did not regret it, because it was one day more of liberty for Ireland. He had only to say that there had never been an instance of so deep ingratitude, as that of the reformers of England in becoming the persecutors of the reformers of Ireland.

Mr. *Spring Rice* said, that in rising to answer the hon. and learned Gentleman, he acknowledged he felt himself in a difficult situation. He felt so, because he knew he was not able to meet the eloquence and power of the hon. and learned Gentleman, but this he would say of himself that he did not yield to any one whatever in the respect and attachment he felt to his country. He should not attempt to go into the question of personal attacks, but he should follow step by step the hon. and learned Gentleman in the statements which he had made upon the question of the Union itself. He thanked the hon. and learned Gentleman for those statements—he thanked him for thus at last coming

forward and endeavouring to prove, in the proper place, before the Legislature of the United Kingdom, that the Union of the two kingdoms had been productive of evil to Ireland. In discussing this question with the hon. and learned Gentleman, he should not touch one point with reference to the interests of England, for on the part of England there had not been a suggestion of a wish for the Repeal. It was, therefore, unnecessary to go into any argument to show how the interests of England were affected by the proposed Repeal, and he should, consequently confine himself to the question as it related to Ireland. He would beg first to say a few words in defence of the party to which he had always been attached, and of the Government of which he had the honour to be a member. He had fondly hoped that the terms Catholic and Protestant would never have been heard in that House again as terms of invidious distinction; and in the very first Session, when Catholics were admitted to seats within those walls, he had called an hon. Gentleman, no longer a Member of that House (General Grosvenor) to order, because, in reference to the hon. and learned Gentleman himself, he had styled him the Catholic member for Clare. Unfortunately, however, the House was but too much accustomed to hear that distinction. He did not apply this observation to the hon. and learned Gentleman more particularly than to other hon. Members, perhaps at both sides of the House—

“*Hanc veniam petimusque damusque vicissim.*”

But when the hon. and learned Gentleman attacked the Whigs, could he forget the conduct of that party in the political history of his country? He would not put the conduct of that party against a measure proposed by them, and ask the hon. and learned Member to vote for the measure, if he disapproved of it, merely because it was proposed by that party; but then, on the other hand, it surely might be conceded, that a man could object to a particular measure of theirs, without taking that opportunity of indulging in vituperation against the whole party. Who had been members of that party? Was not Mr. Molyneux one of the Whigs of Ireland? The hon. and learned Gentleman thought they were wrong in claiming Mr. Grattan as one of their number—their claim, however, was well founded, and to his name they might

add those of many others. What was the conduct of Mr. Grattan? Why he would at any time lend his support to the measures of his opponents, if he thought those measures would prove beneficial to Ireland; and in examining them, in order to make up his mind, he would lay aside all considerations of the party of the men from whom they emanated. This fact was proved by an extract which he should read from a speech of Mr. Grattan's delivered in 1808 or 1809. He should read some few words from that speech, and then allow the Gentlemen on the other side, who might have been led astray for the moment, by the bold assertions of hon. Members, to form their own judgment upon the man, who, by the admission of the hon. and learned member for Dublin, was one than whom a truer friend of political liberty, or a more steady defender of popular rights, never existed. The words were these: "Sooner than run the risk of losing the Constitution altogether, he would take upon himself his full share in common with his Majesty's Ministers, (these Ministers were his political opponents, the Tories), of the responsibility that was attached to the measure." Was not that judging of a measure by its real merits, and giving his support to it, if it were good, without any party considerations as to who were the men that proposed it? When the hon. and learned member for Dublin bolted out big assertions about murder, and slaughter, and devastation; assertions which he wished not only to produce their effect in that House, but to send out with all the weight that his name could give to them to the 100,000 whom he had described as within hearing, to whom he suggested that the announcement of the resolution of the Government would bring tidings of death to their sons, their fathers, and their mothers—when he did this, did he think he was imitating the conduct of Mr. Grattan? How was it that the hon. and learned Member pretended to know, and ventured to impugn the intentions of Government? What right had he to do so? Let the hon. and learned Member make his case good when the Bill came into the House, and he should be ready to meet that case? What right had the hon. and learned Member to attribute to them a desire for war and destruction, when those imputations could at least as fairly be cast upon him as by him on any among

the Ministry? The hon. and learned Member had attacked all the Whigs, therefore he had attacked Lord Charlemont and Mr. Grattan ["No," *from Mr. O'Connell*]; he had attacked them, for he had attacked, without discrimination, the party to which they belonged. There were in that House descendants of those illustrious men: there were within hearing men who bore their great and honoured names, and who could tell them to what party these patriots did belong. What was it they had done for Ireland? Had they not given her a Constitution in 1780? And what was it that the party to which they belonged had done for Ireland? Who was it that first submitted the Question of Catholic Emancipation to discussion? Charles James Fox. And who was it but the party which he led that had maintained the interests of Ireland, when those who now represented her interests were, by the state of the law, prevented from sitting in that House. If he asked, who had done the greatest service to Ireland—who, since the Union, had laboured incessantly for her benefit—where was the man, Whig or Tory, that would deny it was the venerable, the honest, the consistent, Sir John Newport? Always at his post, and always anxious to promote the advantage of Ireland ["No," *from Mr. O'Connell*.] The hon. and learned Member dissented, and the reason probably was, that in these very walls, when he was about to close his parliamentary career, he left to his countrymen the warning, that if they were led astray by delusions, practised upon them to seek for the Repeal of the Union, they would be seeking for the Repeal of a measure from which had flowed to them the highest advantages, and would be forfeiting all the benefits which he and others had so anxiously laboured to obtain for them, and all their hopes of political improvement must terminate for ever. The right hon. Baronet had concluded his political life with that warning; and perhaps the dissent of the hon. and learned Member opposite, and his shake of the head might be easily accounted for by the weight which he had felt belonged to an opinion coming from such a quarter. There was one authority which, with respect to this argument about the conduct and character of the Whigs, he should like to mention, and he called the particular attention of the House, who had heard

an account of the demerits of the present Ministry, to that authority. The statement he was about to quote was made on the 22nd of June, 1831. The speaker from whom he should quote, said; 'The Ministers should have his disinterested support, as he thought them entitled to the support of every independent Member, for they had manifested not only an intention of Reforming abuses, but they had practically set about the good work.*' On the 10th of May, 1832, when the present Ministry were about to retire from office, a debate came on in which the same speaker said, that 'The Ministry have retired from office, but they have done so with their characters pure and unsullied, and they have done so with the public confidence in them undiminished. Soon, Sir, I hope to see them returning again to power—to power which they have endeavoured to exercise for the good of the people, and which I hope they will be enabled to wield much more efficiently and effectually than they have yet been able to do, for the permanent and full accomplishment of the desires, the wishes, and the just demands, of a great, an enlightened, and a brave people.†' He must trouble the House with another quotation from a speech delivered on May 14th by the same person. He then said, speaking of the resignation of the Ministry: 'Whoever could replace us in the situation in which we were a week ago would be a most bountiful benefactor to his country. The spirit of Revolution was abroad; and if it were allowed to pass a certain stage, it would be difficult to check it. Like the pestilence with which the country had lately been visited, if it were not arrested at an early stage, cure might be impossible. At present there was still hope that means might be found to heal the body politic. Let but a little time elapse, and he would be a bold man who would predict the event. Hundreds of thousands and millions of persons depended for their subsistence on the regular working of society; on receiving wages; on being employed. Let but the present state of things continue for a few days, and they must either starve, or do mischief. Let but a single week elapse, and Revolution, and the utter destruction of the beautiful fabric around

us might be the consequence. And if this danger existed in England, was there no other part of the empire in danger? Did the House think that a change of Administration, which would give power in Ireland to those who did not possess it at present, might not be productive of frightful events, especially if that change were accompanied by disturbances in this country?*' That was the evidence to which he now applied himself in answer to the speech of the hon. and learned Gentleman, and he did it with the more confidence, because he read the statements from the hon. and learned Gentleman's speech. He (Mr. Spring Rice) thought that upon the principle of mathematics these two quantities destroyed each other, and they had no right perhaps, at least they had no disposition, to forget the praise and retort the vituperation. Did the hon. Member not know, when he spoke of the neglect of Ireland, that a single measure introduced during the disputed progress of the Reform Bill was not capable of being satisfactorily discussed; but though that was the fact with one question, was there not one of importance that had been actually carried? Was the question of education nothing? How numerous had been the statements of the hon. and learned Gentleman on that subject? The present Government alone had ventured to grapple with it, and had produced a measure which had met even with the assent of the hon. and learned Gentleman. It was indeed opposed by others. That they should say, the Ministry were wrong, was natural; but that the conduct of the Ministry should now be unsparingly, and without limit, attacked by those who through them had obtained that which they had asked for during many years, was to him matter of extreme surprise. But were there no other measures? He thought there were; and that brought him to a particular point. The hon. and learned Member had dealt with financial statements. He (Mr. Spring Rice) should like to know what was the tax of all others, the repeal of which was advocated by the friends of Ireland? It was the Coal-tax. The Coal-tax had been mentioned in all the petitions on the subject of the taxes in Ireland; and if the hon. and learned Gentleman looked through the Journals of the House of

* Hansard (third series) ix. p. 249.

† Ibid, xii. p. 848.

* Hansard, (third series) xii. p. 973.

Commons, he would see that within the last three years the petitions had especially applied themselves to this tax. He should now take a view of the financial state of the country before and after the Union. The hon. and learned Gentleman had spoken as if Ireland had been prosperous before the Union, and had decayed since; as if she had had before the Union a careful, prudent, a kind Legislature, but had since had a careless, unkind, and partial Legislature. Before the Union the financial condition of Ireland stood thus. The details must necessarily be dull, but they were important. The right hon. Gentleman then read the following statement :—

Years.	Income.	Expenditure.
	£.	£.
1791	1,190,684	1,153,710
1792	1,172,332	1,159,796
1793	1,107,940	1,096,899
1794	1,067,004	1,345,917
1795	1,355,181	2,276,469
1796	1,376,980	2,569,091
1797	1,527,628	2,705,313
1798	1,645,714	3,556,887
1799	1,861,471	4,984,269
1800	2,684,261	5,893,323

At the period of the Union, the total net and permanent Income payable into the Exchequer, was ..	£. 1,860,792
The interest of the Debt and Charge	1,395,753
The balance to meet the Public Expenditure, Civil and Military ..	£. 465,039

in 1791, the income was 1,190,000*l.*; the expense during the same time, was 1,153,000*l.* Ten years afterwards her expenses had increased in the ratio of nearly double her income; for, at that time, her income was 2,684,000*l.*, and her expenditure 5,893,000*l.* As a practical test of the whole, he had stated, that, taking the interest of the debt, and the charges for Ireland at the time of the Union, they left no greater surplus than 4,600,000*l.* to meet the expenses of the whole civil, military, and political Government of Ireland. That was the starting point. Was it possible for any one to say that such a surplus was sufficient for such a purpose? Perhaps there were some reasoners who thought that Ireland might be permitted to retain all her income, and that England ought to bear the expense of all these charges. That would be like Sir Boyle Roche's description of an Irish bargain, where all the mutuality was on

one side. He came then to the period of the consolidation of the Exchequer. At the time the balance of the debt was struck, the interest and charges of the permanent debt of Ireland amounted to 5,908,891*l.* To meet those charges was an income of 5,752,861*l.*; so that the country had nothing to do but to live, as some individuals among them were said to live, upon the deficiency of their income. Neither the state of things before the Union, nor when there was a separate Treasury, was such as to be calculated to induce any one who considered it to wish to return to it. At the time of the Union there were taxes on carriages, on horses, on servants, and there was a tax on what he would appeal to the speeches of Grattan for a description of, and to the recollection of those who had seen it collected, for an estimate of its misery—he meant the tax on hearths and on windows. These were not the creatures of an Imperial Parliament. Were they imposed by England on Ireland? No. It was a separate Legislature which had imposed them, and it was a British Legislature that had freed Ireland from the burthens. The separate Parliament had imposed difficulties upon the exportation of Irish produce. At that time there were Corn-laws between England and Ireland, as strict as they now were between England and the Continent. Did the hon. and learned Gentleman think, that the establishment of a free intercourse between the two countries could take place without benefit to Ireland? Was there any man who would not admit that it must be an advantage to the empire? That free intercourse had been the concession of the Imperial Parliament, as the contrary system had been the creature of the separate Legislature. He knew it had been said, that the amount of exports only proved the poverty of the land. How could that be? The export represented labour—the produce was grown by the peasantry, who did not work without being paid for it. Was not the measure of these exports the direct measure of the increased demand for labour; which after all, was the thing most wanted in Ireland? But to return to the taxes. Did hon. Gentlemen know the amount of taxes which England had paid in this most unexampled and unjust proportion, and from all of which Ireland had been exempted? England had paid—

Tax on property and income from	£.
1801	152,258,710
Produce of land and assessed taxes from 1823, when those taxes were repealed in Ireland	50,120,425
Beer	82,483,583
Soap	24,934,544
Candles	10,294,980
Printed Cottons	13,549,609
Making a total of separate taxation on Great Britain of	333,741,861

to contribute to which she had never called on Ireland. He did not argue against his country in stating these things; but he was not the worse Irishman for wishing to do full justice to England. He knew that it would have been unwise and unjust in England to have imposed these taxes on Ireland; but when he was told that England had utterly disregarded the interests of Ireland, he must honestly state what he knew to the contrary. Whatever might be said as to the question of exports, the same observation would probably not be made with regard to imports; and if they found an increased consumption of the necessaries of life, they were justified in saying that improvement had taken place in the condition of the people. The imports and exports of Ireland, then were as follows:—

Years.	Imports.	Exports.
	£.	£
1777	2,762,298	3,183,972
1783	3,043,021	3,077,446
1793	4,164,985	5,125,984
1800	4,299,493	4,015,976
1810	6,535,068	5,270,471
1820	6,008,273	6,291,275
1826	7,491,890	8,454,918

In 1827, the account was defective, because the trade of Ireland having been freed from Custom-house regulations, so far as regarded this country, there were no entries of goods imported from England, and consequently no documents could be furnished. Well, but then he knew it was said that the blanket and stuff trade had been destroyed, and the people of Ireland had been told that that was one of the consequences of the Union. Ireland imported the materials of her manufactures, and he would show how the wool importation had gone on. The following was an account of the importation:—

Average of three years.	Woollen yarn.	Cotton yarn.	Cotton wool.
	lb.	lb.	lb.
1777	837	8,883	428,960
1783	841	5,405	362,432
1793	1,860	276,302	1,694,336
1800	1,880	558,396	1,256,192
1811	465,057	972,036	4,686,752
1820	608,452	1,279,374	2,873,862
1826	632,750	2,510,303	4,368,656

He wished his hon. friend, the member for Bolton, were there to hear this statement, and see how he could treat it—he who had discovered that the only alarming evil which Ireland ought especially to take care to shun was the getting rich. She must not have too much capital. His hon. friend had now come in; but he should not be tempted by that circumstance to do more than make this passing observation on his very *capital* Speech. From the statement he had just made, it was evident that Ireland could do something in manufactures. But on that point he was encountered by another very great authority, the hon. member for Oldham, whose argument was, that in proportion as there was a consumption of raw produce for the purpose of manufactures, in that very proportion was misery increased. He was afraid, if that doctrine was true, that he should give some colour to the opinion about the increased misery of Ireland, by showing an increased consumption of the raw materials of manufactures. During the same time, the importation of cotton wool had increased, as he had already observed, from 428,000 lbs. to 4,368,000 lbs.; all of which was to be manufactured by Irish labour, that would not have been employed if the absurd system of protecting duties existing before the Union had been continued, and which would no doubt be again called for if that Union was repealed. It might perhaps be said, that the improvement which had taken place in the cotton and woollen manufactures had taken place at the expense of the linen trade, which was the staple manufacture of Ireland. That, however, was not the case. Nothing was more common at the present moment than to raise a cry that a particular branch of the trade was declining, when, in fact, there was only a diminution of profit. The table which he would now read would prove that there had been no decline of

the linen trade in Ireland, whilst, at the same time, there was a manifest improvement in the cotton trade :—

Period.	Linen. Yards Exported.	Cotton. Yards Exported.
1777	20,140,770	—
1783	18,652,424	—
1790	34,191,754	—
1800	36,112,369	9,147
1810	40,751,887	77,496
1820	48,265,711	503,392
1826	51,947,413	7,793,879

The hon. and learned member for Dublin, and the hon. member for Oldham, should see these documents, if they wished ; or should have them laid on the Table, if either of the hon. Members moved for them. That which he had stated was not vague declamation, but plain truth ; for his aim was to convince and not to mislead. Under a system of free trade, Ireland had become a manufacturing and exporting country. There were certain branches of manufacture more advantageous to one country than to another. In one, hand-labour was cheaper ; in the other, fuel being plentiful, labour was performed by steam ; and, what was still more interesting, a manufacture of which the earlier stages could be best done in Ireland, could be best completed in England ; and that led to the principle that the interests of the countries were not two, but one. The article that was begun at Belfast was completed at Manchester ; and if he could show that the interest of both was bound up in the same object in some measure, he obtained a pledge for the peace and repose of the two countries. Were they to break asunder these bands of union—were they to say, that Belfast must no longer begin, nor Manchester finish, but that each must do that which would be better performed by the other—that each were to be actuated by hostile interests, and not to pursue a common good—and that all this was to be the result of the weak endeavour to work out a local salvation by the operation of petty and mistaken principles ? Repeal the Union indeed ! When that was said to Mr. Canning, his answer properly was : “ Repeal the Union ? Restore the Heptarchy ! ” And truly the one was not a more impracticable absurdity than the other. England, even in her most barbarous times, never committed such mistakes. When the men of Kent, led

by a leader whom he would not name, for fear of giving offence, advanced upon London, they and their leaders never dreamt of raising the standard of Hengist and of Horsa. Let us, therefore, at least not surpass the absurdities of the Kentish rebels. The hon. Gentleman seemed to suppose, that the interests and the comforts of the people of Ireland had retrograded since the Union, in consequence of the taxation which had been levied upon the necessaries of life. He denied the truth of that supposition. Undoubtedly, the taxes which had been levied upon manufactured articles of consumption had led to a diminished sale ; the progression had not been so rapid as it otherwise would have been ; but, in the articles of tea, sugar, coals, and tobacco, upon which the comforts of the poor depended, there had been a most material increase of consumption, although the tax upon each article, with the exception of coals, had been very considerably increased since the period of the Union. If he proved this fact, he should completely refute the argument of the hon. Gentleman. To begin, then, with the article of sugar, the consumption of which, in his apprehension, though it might not so appear to others, was more indicative than any other which he could select of the real condition of the country. In 1777 an average was taken of the preceding year, and that average was found to yield but an annual import of 212,000 cwt. ; while, at the present time, it would be found that the average import was 342,000 cwt. This advance, be it observed, had taken place in the very face of an increasing taxation. He was sustained by similar facts with regard to the article of tea. In the year 1777, the importation of tea was 808,000 lbs., while the average of the present time was 3,887,995 lbs. He was aware that this mode of treating the subject could not but prove extremely dry and uninteresting to the House, but it was the only mode of grappling with it by which he could present his own views in the fairest and the strongest light. Hon. Gentlemen had said, and might continue to say, that Ireland was not a coal country. That might or might not make for the argument ; but the quantity actually consumed was very material. In the three years ending 1777, the quantity of coal imported amounted to but 330,000 tons ; and in

the year 1783, being the first year of Irish independence, the consumption was 227,000. It was rather stationary between that time and the Union. From the year 1800, then, to the present time, the consumption had gone on gradually increasing. The average of the three years, ending 1832, yielded a consumption of 851,000 tons; and the single year of 1831 had to itself a consumption of 940,000 tons. He was aware that hon. Members might tell him that the consumption of tea and sugar proved nothing with regard to the actual condition of the poor and degraded peasantry of Ireland; but it was to the last degree unstatesmanlike to assume that the condition of the lower classes was not advancing, when the state of the middle and higher classes was in a state of evident progression. But there was one article of consumption which was essentially a favourite of the people. That article could have no consumption whatever, unless created by the lower classes of the Irish peasantry. He found that the advance of that article was as follows. The right hon. Member read the following table:—

Periods.	Home Spirits.	Triennial Periods.	Home Spirits.	
	Gallons.		Gallons.	
1782	2,076,855	1790	2,599,576	
1783	1,771,513	1800	4,140,428	
1784	1,436,502	1810	3,666,329	
		1820	3,849,298	
1792	3,520,082	1826	6,645,276	
1793	3,436,440	1830	9,137,015	
1794	3,936,355	Two Years	1832	8,857,605

This then was the consumption of whiskey. The advocates of Repeal had throughout the few arguments which the House had heard from them on the subject, taken for granted that England had done nothing for Ireland, and had shown an unfriendly, and even hostile spirit towards that country. He believed there was not an impartial and intelligent man in the country who would not be willing to admit, that England had done a great deal for Ireland. He admitted that it was the duty of England so to act; but it did not therefore follow, that Ireland should shut her eyes to the fact. At the period of the Unions a contract was entered into between the two legislatures to pay a sum of 63,000*l.* for a period of six years, these payments to be

derived from votes of the Imperial Parliament, and handed over for the purposes arranged under that agreement. These sums were to be devoted to the advancement of charity, literature, and manufactures in Ireland. This sum of 63,000*l.* was estimated according to an average taken on the six years antecedent to the Union. This sum, in twenty years, amounted to 1,465,000*l.* He would ask the House whether the Imperial Parliament had or had not performed its contract? If the Imperial Parliament had violated its pledge, the advocates of Union might very consistently call out, "Repeal!" But what was the fact? The Imperial Parliament had, instead of confining itself to 1,465,000*l.*, actually voted for those purposes in Ireland no less than 6,979,000*l.* The account stood thus:—

Sums voted before the Union, for encouragement of manufactures, charity, and schools	£.	73,277
To this the Legislature stood pledged for twenty years—such grants would have been	£.	1,465,540
The amount granted by the Imperial Parliament has been	£.	6,979,000
Thus the excess granted by Parliament since the Union is	£.	5,513,460

But that was not all; and mark, that such was the disposition of this traduced Imperial Parliament to promote, as far as it was in the power of a Legislature, the social improvement of Ireland, that even the hon. member for Middlesex, who was the economist of the public money all over the world, did not seriously oppose those grants. The following sums, then, were expended in public works in Ireland since the Union, either by loan, gift, or otherwise, in addition to the large sums which he had just quoted:

Loans from Consolidated Fund—roads, harbours, boards of health, bridges, relief and employment of poor, &c.	£.	s.	d.
Repayments	6,432,105	3	10½
	2,532,790	15	1¼
Balance	3,899,314	8	9¼

of which no less a sum than 564,000*l.* 0*s.* 2*d.* was for public works and employment of the poor. There was another item connected with this outlay of the public money well worth notice—he meant the expense to the public consequent upon the Cholera visitation. In England but 12,072*l.* of the public money was thus employed; in Ireland, the cost to the public was not less than 164,324*l.*; a fact

which, in itself, spoke volumes as to the indisposition of the Government towards relieving the wants of Ireland as compared with England. The sums, then, expended on Ireland since the Union stood thus :—

Charitable and literary institutions	...	...	£.
Encouragement of agriculture and manufactures	...	...	4,225,750
Public works and employment of poor	...	...	4,340,421
			3,072,160
			£8,638,331

Cholera expenses in England £12,072
in Ireland £164,324

But even that was not all. They all recollected the public works (Ireland) Bill of last Session, which the learned Gentleman prophesied would be of no practical use whatever—that it was, in truth, a mere delusion. But what was the fact? He was happy to say, that not less than 819,451*l.* *ls.* *9d.* had been applied in the internal improvement of Ireland, and furnishing employment to its poor. In illustration of this statement Mr. Rice read the following document :—

PUBLIC WORKS.

Memorandum Respecting the Proceedings under the Public Works' Act, 1 and 2 William 4th. c.33.

Loans for works carrying on under special Acts of Parliament—bridges, docks, harbours, canals, and roads	...	167,949	19	2
Loans to companies and individuals—quarries, mines, drainage	...	11,800	0	0
		£179,749	19	2

Loans on security of county-rates	...	36,812	18	9
Grants—piers and roads	...	9,700,	3	0

General Abstract.

Loans—Applications received and sanctioned	...	216,562	17	11
Loans—recommended and before the Treasury	...	750	0	0
Loans—not fully concluded, but under consideration	...	297,866	19	6
Loans—applications rejected	...	273,773	7	4
		£788,953	4	9

Grants—Applications received and sanctioned	...	9,700	3	0
—under consideration	...	14,657	0	0
—rejected	...	6,140	14	0
		£819,451	1	9

Before he sat down, he begged to say

that there were two points on which he was anxious not to be mistaken and misrepresented—not in that House, for there he could defend and explain himself—but out of doors, where he might have a less dispassionate set of commentators to deal with. It might be said, in the first place, that he had quoted these facts, which so irrefragably proved that much had been done for Ireland, by the Imperial Legislature since the Union, with a view to thereby deny the existence of extreme poverty in that country. He meant no such conclusion. In common with every man at all acquainted with the real state of the working classes in Ireland, he could but lament their destitute condition. But was that destitute condition the product of the Union? Would the repeal of that Union remedy it? He confidently answered both questions in the negative. If they consulted the journals of the Irish Parliament—if they believed the statements of the generations which had gone before them, they would learn that distress was a too common occurrence among the Irish artizans and labourers. They would also learn another very important fact—that the apparent prosperity of some local manufactures in Ireland was an entirely forced prosperity, contrary to every sound principle of political economy—the exclusive result of bounties and protecting duties. The next misconception he wished to guard against was, that it might be said that, having thus shown how much the Imperial Parliament had done for Ireland, he meant it to be inferred it was to stop there and do no more. He meant no such thing; all that he meant was, to deny, by the evidence of incontrovertible facts, that there existed any difference or want of affectionate sympathy on the part of the Parliament or people of England towards their Irish brethren. He should be the last man in the world to utter a word to diminish the sympathy, and kindness, and good feeling of the people of England towards the Irish. He warned the advocates of Repeal to beware how they stopped those sources of benevolence which the people of Ireland had hitherto enjoyed at the hands of the British nation. He warned those Gentlemen to beware, for, to use a metaphor powerfully turned to account by a distinguished countryman of theirs, they might go about sowing dragons' teeth—but, if they succeeded, those seeds

might spring up armed men. They might for a season go abroad scattering hatred and ill-will, but if they grew up into Revolution, they would themselves be the first victims. Four years ago, when he attempted to force the learned Gentleman into a discussion of the question of Repeal (the learned Gentleman must recollect that he told him that if he was sincere in his declarations it was far more manly, as well as becoming him as a legislator, to discuss that question calmly on its real merits, on the floor of that House, than to vaguely declaim about it to the hurlers of Tipperary),—he told the learned Gentleman what he would then emphatically repeat—namely, that the question of a Repeal of the Union was a question of separation of England from Ireland—that the question of separation meant the destruction of the British monarchy in Ireland, and the setting up in its stead a republic of the worst kind, of which moreover its founders would be the very first victims. Of course, as soon as the hon. and learned Member, and the 104 others were installed as the new House of Commons for Ireland, they would set about forming a new Constitution; and it had been generally said, if not avowed, that one of the first measures of the Irish Parliament would be to impose a tax of seventy-five per cent. on absentees. But did it never strike anybody, that in that stormy society, some one might possibly be found just to hint or whisper that the King of England himself was an absentee? He was satisfied that the Repeal of the Union could only end in separation, and separation in ruin. The hon. and learned Member had contended again, that strong measures would lead to civil war; but the object of Ministers was not to excite commotion, but to strengthen the law—to avert, not to provoke the threatened evil. The right hon. Member, concluded by saying that he dealt not with the motives of those who advocated the Repeal of the Union, but with the tendency of their actions; and, so dealing with them “God defend us,” he said, “from the consequences of their proceedings,” convinced, as he was, that if those Gentlemen succeeded, ruin would fall not only on Ireland but on the whole empire.

Mr. *Cobbett*: Having been in some measure called upon by the hon. Member who has just sat down, I shall trouble the House with a few observations, and

I promise not to trespass long upon its attention. With regard to the question of the dissolution of the Union, and the consequences to which it may lead, upon those matters I offer no opinion. I have never thought of the subject sufficiently to warrant my giving an opinion upon it; but the right hon. Member (Mr. Rice) seems to think that I was in error in the principles I put forth the other night in answer to the hon. member for Knaresborough (Mr. Richards). It was not of principles I spoke. I made use of no arguments. I offered no opinions—they were facts that I stated. I said, in answer to his observation relative to the increase of trade in Ireland, that all which he stated, might be very true, and still the people be in great misery; aye, and in greater misery in proportion to the increase of trade. I mentioned, from certain information, one of these days to be laid before a Committee of this House, to be proposed by my hon. Colleague, that in proportion as the cotton trade of Manchester increased, in that proportion the profits of the master manufacturer declined, and the misery of the workman augmented. But there were doctrines advanced, and principles laid down by the hon. Gentleman, which I must take this opportunity of contesting. He laid it down as a principle, that because the exports of Ireland had increased, and because those exports were produced by Irish labour—because they represented Irish labour—that, therefore, it was a proof of the prosperity and of the increasing prosperity of Ireland. Push that argument home, and you will find it exactly suits the Negroes of Jamaica. What! did ever any one hear that the happiness of the Negroes increased in proportion to the increase of the demand for sugar? On the contrary, all who have ever advocated the abolition of Negro slavery have constantly asserted that, in proportion to the demand for labour was the lash inflicted. I appeal to the books and publications on the subject; and I remember a passage in one of them to this effect: “The price of sugar has been announced to be so and so; dreadful orders have therefore been issued; the hours of labour are to be so many more, and the lash is to be called into additional activity.” There was little exaggeration, perhaps, in what fell from Mr. Cropper, of Liverpool, not long ago, when he said that there was no prospect of abolition as long as Parliament

did not interfere : that, in proportion to the increased demand for cotton was the increased infliction of the lash to quicken the labour of the Negro. But, upon this point, I will not fatigue the House with details. The great evil of Ireland is, that her produce is all sent out of her land. You may talk as long as you please about the benefits of her exports. I remember the late Primate of Ireland living for twenty years in the parish of Fulham; during the whole of that time, he was receiving his immense revenues from Ireland. He died worth 300,000*l.* in personal property; having been a younger son without hereditary estates. Where did it all come from? Why, from Ireland, to be sure—Ireland, poor Ireland, had enabled this Archbishop to leave behind him 300,000*l.* besides what he annually spent. When people talk of the faults of Ministers I do not mean to say that they have not done all that was possible to ameliorate the lot of Ireland. They have always done it; and why should they not? It is their duty. It is the interest of Ministers to keep Ireland tranquil, and to avoid all causes of disturbance. But that country can never be in a good state where grants from the Treasury are wanted to put industry in motion. And this is the history of Ireland—the whole of her produce and riches has been always drawn away. I was very much surprised to hear the right hon. Baronet (Sir Robert Peel) exclaim the other night—"Ah! tell me this—have we imposed a Corn-law upon Ireland?" Gentleman, I take it, would hardly impose Corn-laws upon themselves. The land is theirs—the produce is theirs; the profit of the Church was theirs; and all is drawn away hither. They would be a strange sort of gentlemen, with less sagacity than I give them credit for, if they imposed Corn-laws upon Ireland. No, no; they lay Corn-laws upon a country where they have no land, where tithes and Church property are not theirs—there they impose Corn-laws, and pretty heavy ones, too. Another thing has been urged. It is said that England has paid such a mass of taxes, while Ireland has only paid so much. It is very shallow to put it in that way; if the produce of Ireland comes to England, the taxes of Ireland are paid in England. That is the real cause of the existing misery: the Irish do not gain the fruits of their labour—it comes here; here it is expended, and here it is

taxed: therefore it is not more fair to estimate the amount of taxes of Ireland, than to estimate the amount of taxes of Jamaica, when we know that the owners of estates in Jamaica are resident here, and are taxed here. There is very little difference in the two cases.

Mr. *Robinson* remarked, that the head and front of the offending of Ministers against the hon. and learned member for Dublin (Mr. O'Connell) was, that they had inserted a paragraph in the King's Speech declaring a determination to support the Union; and no attempt to conciliate him would have the slightest effect as long as they stood in the way of his favourite project. He strongly objected to the line of conduct pursued by a certain portion of the House during the last week; it was calculated to impede public business, to sow distrust, and to lead the Irish to believe that there was a want of sympathy for their sufferings among the English Representatives. Why, in the face of the majority against him, did the learned Gentleman persevere in scattering the seeds of national discord among a generous but too confident people. No doubt the hon. member for Dublin had been bitterly disappointed by the result of the division the other night; his forty votes had caused him no little vexation, and the renewal to-night of the course pursued last week made it almost seem as if the object of the Irish Members was to disgust the English Members, and to drive them to a dissolution of the Union, in order to avoid the infliction of Hibernian oratory. Was it not monstrous for him to tell his countrymen, that it was in vain for them to seek for justice at the hands of Englishmen, and that the only remedy was a Repeal of the Union? Why so obstinately persevere in threatening every measure of relief not emanating from himself? Why, on no occasion, co-operate with Ministers in promoting the tranquillity, and thence the prosperity, of his native country? He was no partisan of the Ministers; but he could not shut his eyes to the fact, that they at least meant to do well for Ireland. Surely with such Ministers, and, still more, with a Parliament the complete representative of the public mind of England, it was not too much to wait till they had heard what their measures of relief were. Should those measures not prove as remedial as it was fair to expect they would be, then let the

learned Gentleman and his supporters come forward with their complaints and remedies, assured that they would not meet a deaf ear in a Reformed Parliament. He had voted for the Address the other evening; he did not thereby pledge himself to support the coercive measures indicated in it. He would not support any coercive measures which did not go hand-in-hand with measures remedial of the grievances of Ireland. He was confident that, in saying that, he spoke the sentiments of very many of those who had voted against the learned Gentleman's Amendment. He agreed that the paragraph in the King's Speech, so much commented upon, might have been better worded; more might have been said about redress, and less about coercion; but, in voting for the Address, he did not consider himself at all pledged to support any measure of vigour that might be introduced. The Irish were a generous and a confiding people, and he believed that they would wait with patience for the remedy of their grievances, if the hon. and learned member for Dublin would but take half the pains to allay that he did to excite.

Mr. *Richards* said, that he had heard so many references made, in the course of the debate, to what had fallen from him on the first night's discussion on the Address, that he hoped he might be permitted to make a few observations in explanation. He could assure those Irish Members who had found fault with what fell from him, that his observations on Ireland were dictated by the utmost sincerity. He was anxious to support the Government in any measures which he should think calculated to prevent that fatal measure—the dissolution of the Legislative Union; but he did not think himself pledged, by his vote on the Address, to support any coercive measures which Ministers might think it their duty to propose. Before he voted for such measures he should certainly give them a full and impartial consideration. Notwithstanding all that was said of the misgovernment of Ireland, he was convinced that the country was improving; and if the system of agitation which prevailed was put an end to it would improve much more. The hon. member for Oldham had thought proper to find fault with some of his observations. He said, they were now too old to talk, as if they had no light from experience. He hoped he

was not quite so old as the hon. member for Oldham, but he could assure the hon. Member, that he had not shut out the light of experience. The hon. Member said, that his (Mr. *Richards's*) panacea for Ireland was Poor-laws, and though he was not now going to inflict a speech on the House on that subject, he might be allowed to say that he did recommend Poor-laws. But then came one of those pretty sophisms which might do very well in the hon. member for Oldham's *Political Register*, but which would not do in that House. The hon. Member said, that he charged Ministers with omitting to notice the distress which prevailed in England, whilst he recommended Poor-laws for Ireland, forgetting that there were Poor-laws in England, and that, despite of those laws, there was great distress. That there was much distress in England, was unfortunately too true; but that distress was owing to the bill introduced by the right hon. member for Tamworth (Sir Robert Peel) for altering the currency, and not to the Poor-laws. He had incidentally noticed the increase in the exports of Ireland, and the reply of the hon. member for Oldham was, that if exports were a sign of prosperity, the population of the West-India colonies were most prosperous. The hon. Member had reasoned as if Jamaica and Ireland were in the same condition—omitting all notice of the main distinction, that in Ireland, labour was free, while, in Jamaica, it was performed by slaves. Consequently, an increased demand for the produce of the West Indies was attended with increased sufferings on the part of the Negroes, both of labour and punishment, but in Ireland, with the increased demand for labour began an increase of wages and of the fund destined to pay labour. To return to Ireland, one great disadvantage under which that country laboured was the reluctance which capitalists felt to lending money upon the security of property in that country. In one case he knew six per cent to have been refused by a capitalist, though well secured on an Irish estate, and when declining to lend on those terms in Ireland, that capitalist expressed his willingness to lend on English security at four per cent. If Poor-laws were introduced, and the country tranquillized, such distinctions would no longer be made by capitalists, and the trade of Ireland must increase.

Mr. *John Browne* said, that as he and

his family had been grossly traduced by the hon. and learned member for Dublin (Mr. O'Connell), it could not be wondered at if he made some observations on the conduct of that hon. and learned Gentleman. Putting aside personal considerations, however, he thought the time had arrived when every Irishman who had proper feelings of loyalty toward his King, and affection to his country, was bound to come boldly forward and declare his sentiments. The hon. member for Dublin had charged a respected relative of his (Mr. John Browne's) with cowardice—a charge which came very ill from the hon. and learned Gentleman. If any person in that House made a vow, under the most solemn circumstances, to pursue a certain course in life, he ought to have associated that vow with another, to speak charitably of all men. If the vow had been so accompanied, he (Mr. Browne) should honour it. If there was any man in that House having great power, and using that power in setting on an infatuated, reckless, and thoughtless people to acts of outrage and insubordination—if such a man urged on the people to attend tithe meetings, but skulked away from sharing the responsibility of attendance himself, such a man was one he would call a coward, and such a man ought to consider well how far the name was applicable to himself before he sought to affix it to others. It was peculiarly painful to him to make those observations, but his feelings had really been hurt by an attack made upon him in the tenderest point. He had been taunted, too, in another place, and charged with wanting courage, by a man who seemed to have come to the determination to insult every man, but not to give reparation to any. He was proud to say, that he stood in that House the representative of the county of Mayo, but he had not come in at the nod or beck of any man. He stood at his post, and refused to bow down to the Juggernaut of Ireland. The hon. and learned Member spoke, in a former night's debate, of the atrocities of the police, and referred to a murder committed in the county of Mayo. The hon. and learned Member's version of the transaction was, that the police, going round, met some women singing, and fired amongst them, and that, in that way, the public were butchered. He (Mr. Browne) had that day received some account of the transaction referred to, and it appeared

that the butchery which the police was charged with was an act of self-defence.

Mr. O'Connell said, that all he had stated was, that lives had been lost.

Mr. John Browne proceeded. The verdict on the coroner's inquest was, "That the deceased, John M'Grath, had come to his death by a gun-shot wound, inflicted by Constable Webb, in defence of the lives of himself and his party." That was the verdict of the Coroner's Jury; but if it had been otherwise, it would not have been decisive of the merits of the case. Under certain circumstances Trial by Jury was a mockery. Jurors were told that if they gave any verdict but one, their lives would be endangered. Some extraordinary measures were necessary, therefore, to meet the exigencies of the case. In introducing such measures the Government should have his support; and he wished distinctly to declare that, in his opinion, no measure more fatal and more wanton could be agitated than the question of the Repeal of the Union.

Mr. Morgan O'Connell did not mean to add anything to the general arguments used by other hon. members for Ireland, on the subject of the Address; he could not agree with those, however, who assumed that Ministers did not intend to resort to coercive and sanguinary measures. So long as Ministers refused to explain their intentions, he should take it for granted that they meant to introduce violent coercive measures. Much was said of the disturbed state of the country; he begged, however, to remind the House that Ireland was in a much more disturbed state a year and a half ago, than it was at present, and that the disturbances at that period had been suppressed by the regular course of law, without resorting to extraordinary measures. Nothing was now complained of but nocturnal outrages, whilst it was notorious that, at the period he alluded to, outrages were committed in the open day. The fact and the truth was, that the coercive measures proposed were not intended to be directed so much against the outrages and disturbances of the country as against the agitation of a Repeal of the Union. Much had been said of the heat displayed by the Irish Members, but those who charged them with warmth sometimes fell into the same fault themselves, and, amongst those, he might reckon the hon. and learned member for the Tower Hamlets, who had made

some unwarrantable assertions. His remarks, however, were directed against a body of men whose characters stood too high in the grateful estimation of their countrymen to suffer by such aspersions. The hon. and learned member for the University drew a very affecting picture of the sufferings of the Irish Protestant Clergy; but they were not the only sufferers under the tithe system. He (Mr. Morgan O'Connell) had seen the milch cow distrained for tithe, though the dry beasts, as they were called in that country, were offered to the person who distrained instead. Though worth twenty times the amount distrained for, however, the agent of the clergyman refused to take the dry beast, and took the milch cow which supplied the poor man and his family with milk. It was very well to talk of life and property, but the life and property of a single peasant ought to be as dear to that House as the life and property of the richest or greatest. He charged the noble Lord who moved the Address with having been the first to commence personalities in that House, and in the attack which he volunteered on the agitators he had assailed a body of men to whose exertions in furthering the cause of Reform last year the reformers of England, aye, and of Scotland too, might be grateful for the success of that measure. He had assailed men whose characters stood far too high in the grateful consideration of their countrymen to be in the slightest degree affected by anything which might fall from the noble Lord; and with regard to what had fallen from the hon. member for Mayo, he should only remark that the hon. Member would never have used such language to the hon. and learned member for Dublin, if he did not know that he stood upon safe ground in so doing. With respect to the word "coward" which the hon. Member had used, he would say, that no charge of flying from the field of battle was ever made against any individual of the hon. and learned member for Dublin's family, and that the language of the hon. member for Mayo was perfectly unwarrantable.

An *Hon. Member* recommended an honest but energetic administration of the law in Ireland. That part of the empire was in danger arising from agitation—and he, therefore, would support Ministers in their efforts to obtain extraordinary powers for the coercion of Ireland.

Mr. *David Roche* said, that the Irish people were as peaceable as any other portion of his Majesty's subjects. For the last twenty years he had lived in the heart of the county of Limerick, and never knew that county more tranquil than at the present time. The existing laws were sufficient to repress all disturbances in Ireland, as was proved by the late application of them to the counties of Mayo and Clare. But, said the right hon. Secretary opposite, crime has increased within the last six months. Let him prove it, and make out his case. The right hon. Secretary mentioned the occurrence of 400 or 500 atrocities, but he did not say whether the majority of them were perpetrated during the first or second of the last two years. He did not show the increase of crime within the last six months over the first six months of the second last year. Until he did, he could make out no case as to an increase of crime.

Mr. *John O'Connell* protested, in the name of his constituency, against the attempt which Government was making to trample upon the rights and liberties of the people of Ireland. He protested, in the most solemn manner, against such an attempt, and he called upon the Representatives of the English people not to sanction it by their votes.

The *Speaker*: The Question now is, that the Report be brought up and read.

Mr. *Henry Grattan* said, that he had an Amendment to move, which he should have done in the early part of the evening had he not forgotten it. He wished now to be allowed to read it.

The *Speaker*: The time is not yet arrived. If you were formerly too late, you are now too soon. It will be necessary for you to wait until you come to some words of the Report you object to. Then will be the time for your Amendment.

Mr. *Cobbett* rose to move an Amendment.

The *Speaker*: Perhaps the hon. Member will state what part of the Report he means to move should be omitted.

Mr. *Cobbett*: Other hon. Members may intercept the reading of the Report where they please, and move that such or such parts be omitted; for my own part, I object to every tittle of the Report after the words "Most Gracious Majesty." The noble Lord opposite (Lord Althorp) complains that much time has been lost

in discussing the Address, and that the waste of such time is disrespectful to his Majesty. So far the noble Lord is right, and I agree with him; and hope, moreover, that this will be the last night so uselessly wasted. But I beg now to inform the noble Lord, that the fault lies with him, and his colleagues. If they had followed the ancient practices of the House, they would have no reason to complain of loss of time, or of disrespect towards his Majesty. The ancient practice was, that the Speech from the Throne should be read to the House, after which a short Vote of Thanks was passed to his Majesty. Then the House appointed a day for taking the Speech into consideration, in order to be fully able to discuss the Address. I think such a practice not only very convenient to the House, but also vastly more respectful towards his Majesty. No man upon such a subject is able to speak sensibly, and to the purpose, without time for preparation. It was said, of the "heaven-born Pitt," that he could speak a King's Speech off-hand. I suppose it was because he was "heaven born," that he could do so, yet I doubt if he was ever expected to be able to answer a King's Speech off-hand; it being well known to every one, that it requires ten times as much time to answer such a document, as it does to write it. At a later period, less time was required to be able to speak upon the Address; for many hon. Members used to hear it read the day before it was made public, in the Cock-pit, and consequently could go home and sleep upon it. The Speech was written by the King's Ministers; it was put into the King's mouth by the Minister; the mover of the Address received his instructions from the same source; and the Address to his Majesty, in answer to the Speech, was written by his Majesty's servants; so that the matter was very summary. The hon. member for Worcester complains, that we have heard nothing in the course of this Debate regarding the state of England, and that the whole of the talk has been about Ireland; if the hon. Member and the people of Worcester had a dungeon staring them in the face, he would ask more time to consider the matter than the one day which, it was said, should be sufficient for the purpose. I feel that I am not in danger of a dungeon at present, but I remember what took place on for-

mer occasions, and I am confident that any steps which are taken towards Ireland may be preparatory to similar measures towards England. But leaving England out of the question, I should be the basest of human beings if I did not come forward to oppose those uncommon powers called for by the Ministers, to put into dungeons any Irishman who dares defend his country. They say that they do not wish to oppress Ireland, or, if possible, not to put into execution those extraordinary powers; but still they do not tell us what they intend to do. They have been challenged to do this. They have been told that they intend dungeons; and they dare not deny it. Let them say, that they will not propose dungeons, and I stop at once, as far as relates to Ireland. My sincere opinion is, that this proposition of obtaining extraordinary powers arose solely out of the result of the Irish elections. I verily believe that the sole reason is the return of those Gentlemen who are such favourites with the Irish nation. Why, then, do Ministers not tell us what they mean to do in Ireland? Why do they not inform those patriotic Gentlemen, who have come forward to defend their country against tyranny and oppression, what are the measures they mean to adopt? They want the power of silencing those Gentlemen, and other patriotic individuals, by having it in their option to put them into dungeons. Silence or a dungeon is their only choice, and I shall never agree that such power be put in their hands. The Speech speaks of the prosperity of this country, but so far is that from being a true state of the situation of the country, that, perhaps, at this very time, there are from five to six millions of the inhabitants of this part of the kingdom suffering the greatest wretchedness from want of food, of clothing, and the most common necessities of life. A statement has been made by the hon. member for Leeds regarding the prosperous situation of that community; but I can mention a district where there are 40,000 persons, out of a population of 175,000, who have not more than from 2*d.* to 2½*d.* per day to live on. The district to which I allude, is that of Huddersfield, in Yorkshire. These persons have a right to know what Government mean to do—they have a right to expect some recommendation, at least, on the part of the Ministers, of measures for their relief,

[The House at this period showed symptoms of impatience, and several Members on the Ministerial benches called "Question," on which Mr. Cobbett turned to the Speaker, and said:] I appeal to you, Sir, if I have not a right to be heard: please to be so good as to keep order. [*Laughter.*] You'll not silence me, that I'll assure you. You may rely on it, if you do not hear me, I shall adjourn the House. I was quite prepared for this, and am not to be put down by it. The people, I say, expected that some measures should be proposed by Ministers for their relief; instead of which they ask for the power of throwing the people into dungeons. [*Great confusion.*] If I be not heard, I shall move an adjournment. I will not spare you one word. You shall hear every word that I have to say. The people expected that the Ministers should recommend some measures for their relief: they expected them to recommend that those who receive the earnings of the people, and do nothing for them, should be deprived of their unjust emoluments; but do you find any such recommendation in the Speech? No, the people have no such consolation. They find measures recommended in all respects harsh and oppressive, and destitute of all feeling for their wretched situation. This they complain of, and they have a right to complain. Now, I have an Amendment to move to the Address, which I shall read; and when I have read it, I shall then give the reasons which induce me to think it a proper address to his Majesty:—

"Most Gracious Sovereign—We, your Majesty's dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, express to your Majesty our humble thanks for your Majesty's most gracious Speech from the Throne.

"We thank your Majesty for the information which your Majesty has been graciously pleased to communicate to us relative to those proceedings which your Majesty, in virtue of your constitutional and just prerogative, has caused to be adopted with regard to Portugal, Belgium, and Holland; and, being perfectly assured that every act of your Majesty with regard to those countries will proceed from that anxious solicitude which your Majesty has constantly evinced, to promote the interests of your dutiful people, and to maintain the honour of the

kingdom, we give your Majesty our assurance, that we shall receive with the greatest respect, and shall bestow our best and most sedulous attention upon, those various papers relating to the affairs of Holland and Belgium which your Majesty has been graciously pleased to intimate, that your Majesty has given directions to be laid before us.

"We assure your Majesty, that, with regard to the Charters of the Bank of England and the East-India Company, we shall enter with care and diligence on a revision of those establishments; and that the best of our endeavours will be employed to arrive at such a decision as shall be best calculated to secure real and solid public credit, as well as to promote the general prosperity and power of your Majesty's kingdom.

"Well knowing, and most acutely feeling, the sorrowful effects of the present mode of maintaining the clergy of the Established Church, both in England and Ireland, we are peculiarly grateful to your Majesty for having suggested to us the making of very great and extensive alterations with regard to the temporalities of that Church; and it is with particular earnestness that we beg your Majesty to be assured, that we shall enter upon the task with all the patience, all the diligence, and all the absence of passion, and of prejudice, which the interesting and momentous subject so imperiously demands; and that we confidently hope, that the result of our consultations will tend to the good of the Church, the safety, honour, and welfare of your Majesty and your kingdom; and that this most important matter will be so ordered and settled by our endeavours, that peace and happiness, truth and justice, religion and piety, may be established amongst us for all generations.

"While we humbly present to your Majesty our most grateful thanks for having been graciously pleased to assure us that your Majesty has directed the Estimates for the service of the ensuing year to be framed with the most anxious attention to economy, and while we assure your Majesty that nothing shall be wanting on our part to reward habits of industry, and promote good order amongst the labouring classes of the community, our bounden duty to our constituents, as well as to your Majesty, compels us to express to your Majesty our deep regret

that your Majesty should not have been advised graciously to suggest to us to consider of the means of lightening the numerous and heavy burthens which are a discouragement to that industry, and which so cruelly oppress those meritorious and suffering classes; and we assure your Majesty, that we will, with all diligence and zeal, proceed to an investigation of the causes which have produced those burthens and their consequent sufferings, and to the adoption of measures which shall, in our judgment, be calculated to produce effectual and permanent relief.

“Most sincerely do we participate with your Majesty in that pain which your Majesty’s paternal solicitude for the welfare of your people has induced your Majesty graciously to express with regard to the disturbances in Ireland; and we assure your Majesty that we shall be ready, at all times, to adopt any constitutional measures that may be necessary for controlling and punishing the disturbers of the public peace, and for preserving and strengthening those ties which connect the two countries in indissoluble bonds of loyalty to your Majesty; deeming, as we do, a separation of the two countries to be fraught with destruction to the peace, security, and welfare of your Majesty’s dominions; and, convinced as we are, that nothing but unjust and cruel treatment of our fellow-subjects of Ireland can ever induce any portion of them to desire such separation, we most solemnly assure your Majesty, that we will never give our sanction to their being treated with injustice and cruelty, and that we will, with the smallest possible delay, proceed to the consideration of means of redressing those manifold grievances under which they have so long been suffering, and which are, we are firmly convinced, the real cause of the present unhappy disturbances.”

Now, Sir, I think this is a proper Address, and I am determined to take the sense of the House upon it, and to see who is for it, and who against it; but that division shall not take place till I have had time to explain my reasons for proposing it. I am sorry to take up so much of the time of the House, but I think it a duty I owe to my country to state fully my reasons for proposing this Amendment. I can, however, easily foresee in what manner it will be received, and what will be the result of the vote upon it, especially as it is evident that the two

factions of Whigs and Tories have united against the people. I early foresaw that it would be so. From Brading in the Isle of Wight, to Dumfermline on the north of the Firth of Forth, and before 200 audiences, every where have I said, that these two factions would unite, unless the Ministers proposed something for the good of the people; and now, finding that they have no such intentions, and that they are resolved to do nothing for the relief of the people, they have united; this is quite natural to them; for they know that it is impossible for them to keep down the people but in conjunction with each other. It is well known to every student of politics, that when opposing parties unite, the consequence to the people has always been a new series of oppressions. This maxim has been verified by uniform experience; and the truth it teaches is sanctioned by the observations and by the principles laid down by that great teacher of the principles of liberty, the hon. member for Westminster, at the time when he was a candidate for the county of Middlesex, in the year 1806, just after an unprincipled junction took place between the Whigs and a detachment of the Pittites. He, upon that occasion, in a letter to the people of Middlesex, under his own hand, and with his own name at the bottom of it, said (and the words ought never to be forgotten, I thanked him for them then, and, at the end of twenty-six years, I am happy to see him in his place, that I may thank him for them again)—the hon. Member then said in the beginning of an address to the people of Middlesex signed Sir Francis Burdett in the month of October, 1806:—“Whenever the leaders of contending parties and factions in a State unite, the history of the world bears evidence, that it never is in favour, but always at the expense, of the people; whose renewed and augmented pillage pays the price of the scandalous reconciliation.” [*Calls of Question and Order—coughing.*]

Mr. Kinloch said, that he must signify his determination to adjourn the House, if quiet and good order were not restored.

The Speaker rose, and said, that he would exert all the authority in his power to keep order. If the hon. Members had been longer Members of that House, they would not have been so sensible to any occasional interruptions with which they might meet in the course of the Debate. He could say, that he had never, in the whole course

of his parliamentary experience, seen a five days' debate to which there was such constant attention given, or in which the speakers met with so little interruption as in the course of the late debate on the Address.

Mr. *Cobbett* resumed. I have a very sacred duty to perform, and if the House be determined not to hear me to-night, I will certainly bring it forward to-morrow; and if the House will not hear me to-morrow, I will then bring it forward the day after. The statement I have to make, I am determined to make, and that without any considerable interruption. I was proceeding to show, that when two factions joined, it is always in order to oppress the people. I can remember the coalition between Pitt and three or four of the principal leaders of the Whigs—the faithful Whigs. I can remember four of these scandalous reconciliations: the first was, when a detachment of the Whigs joined the heaven-born Pitt, in 1793: that produced the war against the republicans of France, and has finally added 600,000,000*l.* to that debt under which we are now groaning. The second scandalous reconciliation was that which took place in 1806, when a detachment of the Pittites formed a junction with the Whigs. The price which the people paid for that scandalous reconciliation was monstrous indeed. The first act of the coalesced faction was to enable the Auditor of the Exchequer to hold his sinecure while he was First Lord of the Treasury; the second was, to bring new bands of Hanoverian troops into England and Ireland, to be paid for by this insulted people; the next was, to raise the income-tax (which the Whigs, when out of office, had called a highwayman's trap) from six and a quarter to ten per cent; and the rest of the time that this Ministry lasted was occupied in cramming themselves and friends with pensions, sinecures, and all sorts of emoluments derived from the public money. When Canning became Prime Minister, what did the faithful Whigs do then? A detachment of them joined him; and the short duration of his life only prevented a more general junction. There was time, however, for the Marquess of Lansdown, and the hon. Member opposite (Mr. Spring Rice), actually to join him, and that hand which we must all yield to only prevented the rest from trooping in at his heels. And what was the price of this scandalous reconciliation? Why an open abandon-

ment of the Catholics; a distinct and expressed abandonment of their cause; and an explicit declaration that it should not be brought forward during the life of the King, (George 4th); a distinct declaration against the repeal of the Test and Corporation Acts, and a determination not to suffer any of the remaining Six Acts to be repealed; and a violent attack upon the hon. member for Middlesex, who was then member for Aberdeen, because he proposed the repeal of one of the most odious of those odious Acts, which now, again, the Whigs keep in force to their utmost rigour. What is to be the whole amount of the price which we are to pay for the present scandalous reconciliation we do not yet know. The first price is, in all appearance, dungeons to be provided for those Irish Gentlemen who have so nobly defended their country; the second item is, the upholding of the present system of taxation to its full extent; for we are pretty explicitly told, that no tax of any sort is to be taken off, not even the tax upon knowledge, as it is called: and as to the house-tax, the window-tax, the malt and hop-taxes, or anything of the sort, I should not wonder if dungeons were to be proposed for those who contend for the necessity of the repeal of any of them. These are to form the price of the present scandalous reconciliation. Every pension, every sinecure, every grant, every retired allowance, is to remain; the industrious part of the people are still to toil for these swarms of idlers. The Ministers foresaw that they could not uphold this system without the aid of their former opponents, and, therefore, being determined to uphold this system, in which they and their opponents are equally interested, they have resorted to this scandalous reconciliation. I have said before, that it was unfeeling to the last degree, in the Ministers not to recommend to their master the saying of something to console the suffering people. I have said before, that in a district in the West Riding of Yorkshire, of which Huddersfield makes a part, there are 40,000 persons, each of whom is living upon 2½*d.* a-day. This is the case throughout Yorkshire and Lancashire. But, it is general, as will appear from the situation of the town of Leicester. I yesterday received a copy of a report concerning the town which I will read to the House. The hon. Member then accordingly read the following paper:—

To the Wealthy and Humane Inhabitants of the Town and County of Leicester.

The frame work-knitters' Committee have selected the following cases of distress, in Leicester, out of 'a vast number of others of a similar description,' that the public may at once perceive the indispensable necessity of coming forward to assist in raising the wretched frame work-knitters from their degradation and misery. They invite the wealthy classes to visit their miserable habitations, to inquire into the truth of this statement; and they indulge the hope that nothing further will be wanted to induce their kind sympathy and support. The Committee are anxious not to have any control over the funds, but to place them in the hands of gentlemen, who will see that they are properly appropriated to the object for which they are solicited. A meeting of subscribers will be called, to take under their charge the kind contributions of the public.

Signed, on behalf of the Committee,
THOMAS WRIGHT, Chairman.

Leicester, January 17th, 1833.

Case 1st.—William Carter, journeyman framework-knitter, lives in Lewitt's-yard, Oxford-street; his average hours of labour are seventeen hours a-day, and his earnings are 9s. per week, first hand; and, of course, subject to the following deductions: frame-rent, 1s. 3d.; winding, 4d.; candles, 9d.; needles, 3d.; master's charge on work, 3d.; coals for shop, 3d.; seaming, 10½d.; leaving 5s. 0½d. to pay house-rent, fuel, soap for washing, and to provide food and clothing. This man has a wife and five children; the whole of the children and parents sleep in the same apartment, and have neither bed, sheet, nor blanket.

Case 2nd.—Thomas Phillips, Lewitt's-yard, master framework-knitter, earns 6s. 9d. per week, subject to the following deductions:—viz., frame-rent, 1s.; coals for shop, 3d.; winding, 4d.; candles, 9d.; needles, 3d.; seaming, 10d.—leaving 3s. 4d. net earnings; which, added to the 2s. which is earning by his wife, makes 5s. 4d. to pay house-rent, fuel, soap, and provide food and clothing. He has two children, and the family are extremely wretched, and destitute of necessaries.

Case 3rd.—John Hastings, Lewitt's-yard, earns 8s. per week, first hand, subject to deduction for frame, &c.; amounting to 3s. 3d.; leaving 4s. 9d. clear earnings. He has four small children, extremely destitute of necessary clothing and bedding.

Case 4th.—Thomas Hastings, Lewitt's-yard, earns 6s. per week, first hand; and being far advanced in years, is compelled to work eighteen hours per day; and when frame rent, seaming, and other charges are deducted, there is only 3s. clear, to pay house-rent, and to provide coals, soap, food, and clothing.

Case 5th.—Joseph Greenwood, Causeway-lane, earns 7s. per week, first hand, subject to

deduction of frame-rent, seaming, &c., as in the other cases; leaving 4s. clear earnings to support a wife and five children—the oldest eight years of age; the youngest at the breast. They have neither blanket nor sheet for the use of the parents, and only one blanket and straw for the children. When visited, they were destitute of every article of subsistence.

Now, the Ministers either know of this distress, or they do not. If they do not, they are too ignorant or too lazy to be intrusted with public authority; if they do, they are the most unfeeling and barbarous of mankind to put a Speech into the mouth of the King, which, by fair implication, accuses the people of laziness, and which threatens to punish them if they be not quiet and patiently submit to the existence of all the pensions and sinecures, and the rest of the means by which their earnings are taken from them and distributed. And, am I told, that these pensions and sinecures are not a burthen to be complained of? Let us see: the sinecure of Lord Grenville alone amounts annually to the wages of 1,084 of these industrious and meritorious persons: the pensions to the Herries family, which they have been receiving for years, amount annually to the wages of 271 of these industrious persons. The right hon. the First Lord of the Admiralty, when out of office, had the goodness to prove to us, that there were 113 members of the Privy Council (exclusive of the royal family and the Bishops) who received the sum of 650,000*l.* a-year, equal to the wages of 163,220 of these oppressed and laborious persons, who, to console them under their labours and their sufferings, have been informed that the carved work to one single Palace gateway cost as much as the amount of the wages of 9,000 of them for one whole year. Those who thus fatten on the toil of the people may well laugh; they may well, in the words of the right hon. the Secretary for Ireland, resolve to uphold this system to the death. That right hon. Gentleman ought to recollect, however, that the words which his taste has induced him to select, and the conduct which he proposes to imitate, were the words of St. Paul, not after he became a Christian, but while he was a blaspheming Jew, persecuting the Christians. He denied, the hon. Member continued, that the hon. and learned member for Dublin had begun the attack upon Ministers. Their own mover of the Address had attacked

that hon. and learned Member. He had accused him of fomenting civil discord for the purpose of obtaining the Repeal of the Union. He (Mr. Cobbett) thought, that as the hon. mover of the Address was dressed in uniform, and wore a sword, he should have handed over the Address on the point of his sword to the hon. and learned member for Dublin. Having said that of the mover, he would refer to the seconder of the Address, who had, a year before, assisted at a public meeting at Leeds, at which Resolutions were agreed to, that the Church property in Ireland should be resumed by the Government, and now that hon. Member came to the House, and seconded an Address which called on them to give to the Government the power of throwing the advocates of the freedom of Ireland into dungeons. He could not repeat the word "dungeon" too often. He could not conceive why the members of his Majesty's Government should have such an aversion for the hon. and learned member for Dublin. He did not understand the great spite they bore him. He (Mr. Cobbett) differed from that hon. and learned Member on some points—he differed from him especially on the subject of the Poor-laws in Ireland, but he did not consider that a ground of quarrel. In his opinion it could be for no other reason, but merely because that hon. and learned Member was beloved by the people of Ireland, and because great confidence was placed in him by a large portion of the people of that country. They seemed to wish to destroy that hon. and learned Member; but he could tell them, that if they were able to destroy him to-morrow, they would only be the more heartily detested in Ireland. They were detested because they hated the hon. and learned member for Dublin; and the more they hated him the more they would be detested. The warfare they had denounced against the repealers of the Union in Ireland strongly reminded him of the story of the French king and the Swiss Cantons. It was recorded, that some difference existed between these powers. The ministers of the king represented that the Swiss were in the right. "Oh, then," said the king, "I will make war against them, because they are in the right." This was precisely the sort of answer made by the Ministers to the repealers of the Union. The want of capital was, undoubtedly, the chief cause of

the misery that prevailed in Ireland; but how was it possible that capital could accumulate, when it was notorious, that the country was yearly drained for the support of absentee landlords? In the fable of the lion and the fox, all the footsteps went towards the lion's den—none went from it. So it was with Ireland. All the rent went in one direction—all out of the country; and when once out, never returned. What the remedy to be applied was, he had not as yet considered, and therefore could not take upon himself to say; but of one thing he was sure—namely, that it was not dungeons. In 1817, the use of dungeons did not succeed in crushing the question of Parliamentary Reform; and so, in 1833, it would fail in crushing the question of Repeal. To shake a halter, and rattle the keys of a dungeon in the face of a people claiming only to be heard in support of their opinions, would never be endured, and could only expose the Ministry, who might be fools enough to attempt such an unconstitutional proceeding, to the odium and contempt of the nation. Whilst they were talking of a Repeal of the Union, it was but right to go back a little into history, and see what was said of that Union, at the time it was formed, by some of those who were now in power, and who represented the advocates of its Repeal as traitors. Earl Grey's recorded opinions were stated the other night; but there remained to be noticed those of another man, of considerable importance in Ireland, not less worthy of being rescued from oblivion. If there ever was anything shameful on earth—if there ever was anything to make a man blush—if there ever was anything to induce a man to wish to hide his head from the light of day—it was what the man to whom he was alluding, formerly said, as contrasted with what he was now doing. This man, after saying all sorts of things in opposition to the Union (such as, that it never could be law—that the people never would obey it)—added! "For my own part I will resist it to the last gasp of my existence—to the last drop of my blood—and when I feel the hour of my dissolution approaching, I will like the father of Hannibal, take my children to the altar, and swear them to eternal hostility against the invaders of their country's freedom." Again, he said; "I shall be proud to send my name down on the roll with those who have resisted the ene-

mies of their country;" and again he declared "that he should bear in his heart the consciousness of having performed his duty, and when his death approached, he should not be haunted with the thought of having basely sold or meanly abandoned the liberties of his native land." Now, "where was the man who held this language?" Was he in England; or was he in Ireland? Was he in the ranks of the Ministerialists opposite, or was he in the ranks of the repealers around him? He is in Ireland. But what is he there? Is he Lord Chancellor? Yes! This old Hannibal (Hannibal, indeed!) is actually Lord Chancellor of Ireland. Yes: the very man who was to have the management of the dungeons in which the hon. Member was to be thrust, only for asking—in a peaceable and constitutional manner—through this House, for the Repeal of that very Act which this Lord Chancellor himself declared, at its passing, to be a violation of the Constitution—which he said he would oppose to the last hour of his life; and against which and its framers he was to swear all his children to eternal hostility.—Well, but what has become of all the young Hannibals? — He should like, if any body could tell him, to know if they had been sworn?—He had them all in a paper before him; every Hannibal of them.—Here Mr. Cobbett read and commented on the following paper:—First comes

Lord Plunkett, as Lord Chancellor of Ireland with a yearly income of	£.	8,000
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Then come his sons

The Hon. and Reverend Thomas Plunkett, as Dean of Down, in the gift of the Crown, consisting of a union of six parishes, the tithes and glebe of which amounted, in 1831, to	£.	2,863
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There's a capacious soul for you! There's a shepherd for you! Nothing less than six flocks could content him. It was worthy of observation, too, that this plurality was granted by Ministers precisely at the time (in 1831) that the Ecclesiastical Commission was sitting in the Council Chamber of Dublin Castle, and when they had signed the Report that it ought to be dissolved on the first avoidance. Next come

The Hon. John Plunkett, as Assistant Barrister of the County of Meath	£.	600
As Crown Prosecutor on the Munster Circuit	800	
As Counsel to the Police	300	
		1,700

For this Gentleman, business will be made out of the coercive measures.

The Hon. David Plunkett, as Prothonotary of the Court of Common Pleas and Examiner	£.	1,500
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Besides his patronage, not brought into calculation, as follows:—

Three clerks, at 500 <i>l.</i>	1,500
Two assistants, 500 <i>l.</i>	1,000
One other assistant	200
One Clerk of Pleadings	400
Other clerks	1,000

£.4,100

The Hon. Patrick Plunkett, as Secretary to the Bankrupt Commission	900
As Purse Bearer to the Chancellor	800
As Counsel to the Chief Remembrancer	300
As Crown Prosecutor to the Leinster Circuit	900
	2,900

The Hon. William Plunkett, Incumbent of the living of Bray, County of Wicklow, with a house and twenty-four acres of land, the tithes of which amount to	470
The Hon. Robert Plunkett, a living in England, value unascertained.	

So the Hannibals were coming here, to practise their peculiar kind of warfare against "the invaders of their country's freedom." How they were to be dealt with will by-and-by be seen. He next came to the nephews of old Hannibal, the father of these half-Hannibals, the first on the list was:—

W. M'Causland, Secretary to the Chancellor (appointed to this situation when under twenty years of age)	£.	2,000
James M'Causland, as Secretary to the Funds of Erasmus Smith's Schools	500	
As Solicitor to the Hibernian Schools	100	
As Solicitor to the Benchers of the King's Inns	200	
As one of the Law Agents of Charitable Donations	500	
	1,300	

HIS BROTHERS-IN-LAW.

The Reverend Oliver M'Causland, Rector of Tanlaghtfinlagan, County of Londonderry, with a house and glebe of 191 acres, and tithes amounting, as under the Composition Act, to	1,000
William M'Causland, as Law Agent to the Board of Charitable Donations	1,500

This put him in mind of the story in *Gil Blas*, of a man who became suddenly rich as soon as he was appointed a guardian of the interests of the poor. Here were no less than ten distinct Hannibals, who, independent of the emoluments received by Judge Bushe and his family, to whom, doubtless, would be consigned the care of the dungeons in Ireland as soon as

Ministers obtained fresh powers—here were ten different Hannibals, all of whom were to go to the altar, and swear eternal hostility to that very measure for desiring to repeal which the hon. and learned Member was characterized as a traitor—who divided amongst themselves 22,233*l.* of the public money. He thought he had exhibited to the House a pretty picture of apostacy; but there was something more in this matter than mere apostacy; persecution was sure to follow apostacy. Apostates were all persecutors. Men became apostates for the sake of plunder; and turned persecutors because they knew they could not keep their plunder unless they destroyed those with whom they had been accustomed to co-operate, and whose resentment they were fully aware they had excited by their perfidy. The nation was, he believed, in the hands of gorged apostates, who became ferocious in proportion to the peculations they enjoyed. It was the duty of every honest man to pray that the nation might speedily be delivered from them; and it would not be in the power of any one long to delay that deliverance. Affairs were in a condition vastly like this in the time of Charles 1*st.* To prove it he would read a paragraph from the *History of the Long Parliament*, by T. May, relative to the famous apostacy of Wentworth:—‘The Lord Wentworth,’ said May (‘afterwards created Earle of ‘Strafford for his service of that kind) was ‘then labouring to oppresse Ireland, of ‘which he was deputy; and to begin that ‘worke in a conquered kingdome, which ‘was intended to be afterward wrought by ‘degrees in England: And, indeed, he ‘had gone very farre and was very prosperous in those waies of tyranny, although very much to the endamaging ‘and setting-backe that newly-established ‘kingdome.’ Things were then and now in the hands of gorged apostates and recorded plunderers. Still, unless the people came to the aid of their faithful Representatives — unless they exerted themselves for the purpose of obtaining that relief which was absolutely necessary—no redress of their grievances would be obtained. The Reform of Parliament would turn out to be of no use. They might be told they had got Reform, and what more did they want? Reform was of no use unless this House did its duty; unless it looked to the complaints which were made to it; unless it resolved to put a stop to

the system of plundering which had so long prevailed in the country. “Ah! say you (continued the hon. Member), but they have got 100,000 soldiers in Ireland; but these 100,000 soldiers will not protect the paper money, on which an attack is threatened to be made. If, in May last, the run upon the banks had continued for forty-eight hours longer, they would have been completely knocked up. If the least insurrection takes place, away goes the paper money, as you would blow off the down of the dandelion.” He had now laid before the House the address which he thought that it should return in answer to the King’s Speech. He had given his opinion as to the gorged apostates now in power—he had given his opinion as to the manner in which the people were plundered by them, and how the money of the people was thrown away upon these aristocratical robbers, at the very time that the people were famishing. He should divide the House upon his Amendment, and the House might vote upon it as it pleased.

Mr. *John Fielden* seconded the Amendment. A great deal had been said, he observed, on the subject of increasing production and increasing consumption in the country; and, however anomalous it might appear, or, however strange, it was not more strange than true, that the distress among the labouring part of the community had gone on increasing with the increase of production and consumption. Since he had been elected in January last, as the Representative of the borough of Oldham, he had taken great pains to inform himself on the subject of the distresses of the people. He had caused a survey and examination to be made by respectable persons, who had personally visited the cottages of the poor, for the purpose of ascertaining their real condition. In the borough of Oldham, which he had the honour to represent, and where he did not expect to find so much distress, out of a population of 50,000, which the borough contained, there were upwards of 8,000; whose average income per head, for food and clothing, did not amount to 2½*d.* a-day each. Of these 8,000 and upwards, 1,100 were out of employment. He had obtained surveys of thirty other townships, and the Returns showed that, out of a population of 159,000, 41,000 and upwards, more than one-fourth of the whole population, had not more than 2*d.* a head

a-day, for food and clothing. In these distressed townships, these people were employed in the manufacture of silk, of woollen, and of cotton. Of the 159,000 and upwards, in these thirty townships, little more than 1,000 were out of employment; the rest were in full work. He and his partners were extensively engaged in the spinning and manufacturing of cotton; and, of his own knowledge, he could state that the Returns relative to those employed in that branch of manufactures were, in the main, correct, and substantially true. He could not vote for the Address, because he was afraid that, if coercive measures were conceded for putting down the people in Ireland, instead of redressing their grievances, the same additional power would be asked for to coerce the people of England, if their grievances were not immediately redressed. The expectations of the people had been raised, and they were looking to this Reformed House for relief from their burthens, and an alleviation of their sufferings; and, if disappointment should ensue, he trembled for what might follow. He implored the noble Lord, the Chancellor of the Exchequer, to make inquiry into the truth of these statements; nay, he challenged inquiry. He would hand over his books containing these Returns to the noble Lord, which would direct him to the cottages of every one of these families where the distress might be found. Considerable sums of money had been voted by former Parliaments for the purposes of making inquiry and investigation into matters of much less importance than this; and he trusted that an inquiry would be instituted for the purpose of ascertaining the real condition of the labouring classes. The Thursday before he came to town, he met Captain Wood, the unsuccessful candidate for Huddersfield, Mr. William Stocks, and another of that town, who informed him that, in 1829, Mr. Stocks had examined into the state of distress in that district, and that, at that period, out of 29,000, there were 13,000, who had not an average of 2½d. a-day for subsistence; and who assured him (Mr. Fielden) that now, in the division of Upper Aggbrigg, containing a population of 103,000, he believed that there were 40,000 persons that had not more than twopence a-day each for subsistence. He had intended to go into further statements on the subject of this

distress; but, at this late hour, he would not occupy the time of the House, as opportunities would be afforded him hereafter of doing so. He should therefore sit down, after seconding the Amendment of his hon. colleague.

The Amendment having been put from the Chair,

Mr. Ward said, that he would not have uttered a word upon this occasion had not the hon. member for Oldham said, that he would divide the House, if it were only to show the people of England who were their friends and who were their enemies. Now, he should vote against the Amendment; and yet he fancied himself to be quite as true a friend to the people of England as the hon. Member himself. It was not by vague declamations, that the sufferings of the people of England were to be relieved; it was not by the desultory efforts of individuals that their distresses were to be alleviated; but it was by combining the efforts of individuals, and by intrusting the direction of them all to an Administration entitled to confidence, that any beneficial result was to be attained. He was not acquainted with any member of the Administration; but if he were asked why he thought the Administration entitled to confidence, he would reply: "Because they have accomplished for us the work of Reform." He could not forget, though many Gentlemen seemed to have forgotten, that the Reform which they granted to us went far beyond the expectations of the country; and he was not prepared on that, the fifth day of the Session, to declare that the hopes of the people of England were defeated, in consequence of the machinery of the Reform Bill being found incompetent to direct the machinery of Government. He should vote for the Original Address; but he must avow a determination to support any measure which was likely to relieve the sufferings of the people of Ireland. He thought that the hon. and learned member for Dublin had entirely mistaken the sentiments of that House; he believed that whenever that hon. and learned Member brought forward any measure, applying a remedy to any specific grievance in Ireland, the British Parliament would gladly support him in carrying it into effect. But from the moment that hon. Gentlemen saw agitation systematically carried on—from the moment that they saw grounds for suspecting that

there was a mixture of private with public views—from the moment anything like a factious disposition assumed the garb of patriotism—from that moment, the hon. and learned Member must not reckon upon the support of any independent man in that House. Upon the redress of grievances the hon. and learned Member would find every independent English Member ready to co-operate with him; but as to the Repeal of the Union, the sense of the House was decidedly against him; indeed he never heard of any measure so self-destructive as this proposition, to divide the Imperial Legislature into two distinct and separate legislatures.

Mr. Thomas Attwood spoke to the following effect: No man can be more grateful than I am for the benefits which we have derived from the present Administration; but the events which took place before we carried the great objects for which we had long contended, ought to prove a warning never again to lead the people into similar circumstances. In my conscience, I believe that we are now proceeding in a course of error. We are met here as a Reformed Parliament for the first time in our history. Why did we reform the Parliament? For two reasons—first, to relieve the people from the insupportable distress under which they labour; secondly, to restore and confirm the liberties of the people. What then must have been my surprise on hearing the Speech from the Throne, that the first measure recommended to this House by his Majesty's Ministers, is a measure to restrain the liberty of the subject, and perhaps, establish arbitrary power in Ireland. I do not know what the words mean unless they mean a suspension of the Constitution. I believe that the honourable men who conduct the Government of the country, would be merciful, lenient and mild in the administration of tyrannic power; but I will never consent that my constituents, and, constitutionally speaking, I consider the Irish as my constituents, or at least that I am bound to legislate for them as such. I will never consent that any portion of the inhabitants of the British empire shall be delivered over to the despotic power of any set of men, however pure, benevolent, wise, or upright. Nothing but the very last necessity shall ever induce me to give my consent to such a measure. Another object of the Reform of the Parliament has

been altogether overlooked—the distress of the people—the long-suffering, miserable people. What will be the feeling of the people of England if this House agree to an Address which does not contain one word about their unbearable sufferings? Now, I have an Amendment which I wish to propose. It is very short. It is at once *suaviter in modo, et fortiter in re*. As it is so short an Amendment, I hope the noble Lord, who is so celebrated for his candour and true patriotism, will see reason to consent to it. I will read it at the proper time, but, in the interim, I hope the House will excuse me if I make one or two remarks—I shall not trouble them with more—on the Speech from the Throne and the Address. There was one expression in that Speech which struck terror into my heart, and which I fear will strike terror and indignation into the hearts of the people of England. The expression to which I allude is that which calls upon us, by all practicable means, to promote habits of industry and good order amongst the labouring classes of the people of England. Why, have we not, on the Table of this House, or elsewhere, a Bill to prevent them from working themselves to death? Is not this an industrious, meritorious people—and is an insinuation to go forth, that this people want stimulants to industry? Are not thousands of men going from town to town, and place to place, begging for employment; and then, too, we are called upon to preserve good order among them. Have they not, I ask, already proved that they are orderly—with what good order have they not conducted themselves? I have seen 200,000 of them assemble together in times of great excitement, as peaceably as lambs, and I have seen them also return as peaceably as lambs, without committing any, the slightest insult or outrage to any man. Many of those men were earning only 3s. or 4s. a-week, as has been already stated by the hon. member for Oldham; many had, perhaps, walked twenty miles to attend that meeting, and afterwards went home as peaceably as lambs. And is good order to be recommended to these orderly, patient, long-suffering men? Such an expression is more than unnecessary, and I think it can do no good. I wish to say just one word upon another subject—I refer to unhappy Ireland. It is said that agitation does all the mischief in Ireland. I firmly believe that agitation has nothing

to do with it. It is extreme poverty and misery which has made agitation, and not agitation the misery and poverty. I deprecate the application of force. It is a wrong remedy, and will not have any other effect than that of exasperating the Irish nation. Poverty—stinging, grinding poverty—is the cause of the discontent that exists in Ireland; and the more poverty is coerced the more it will increase. Poverty has already made them madmen; by coercion you may make them devils. I deprecate, therefore, the application of unconstitutional power to coerce the unhappy, miserable people, who are marked out for its objects. Every man who listened to the speeches of the hon. member for Leeds, and the hon. and learned member for the University of Dublin, must feel, that both those hon. Members led the House considerably astray from the real question in discussion before it. The hon. member for Leeds has made a very eloquent harangue against the Repeal of the Union; but I do not understand that question to be now under the consideration of this House. The real question is this—Will the Representatives of the people intrust tyrannic power in the hands of the Government? I am no friend to the Repeal of the Union. I wish to try what a Reforming House of Commons will do to relieve the distresses and ameliorate the condition of Ireland. And I trust that this House will not be found wanting in the application of efficient remedies to those evils by which she is afflicted. In that case I am no friend to the Repeal of the Union; but if I find that this House wants either the power or the will to apply these remedies, then I shall declare myself a friend to Repeal. I hope, therefore, that you will regard the people of Ireland with a more indulgent eye, and at least show a wish to adopt a conciliatory course. The hon. and learned member for the University of Dublin complained that the Irish were guilty of horrible crimes. If he had endeavoured to prove to us that the suspension of the *Habeas Corpus* Act would put down crime, then, indeed, he might have induced us to consider the subject. But I feel assured that neither the suspension of the *Habeas Corpus* Act, nor the sending over militia regiments—neither cannon balls, nor bayonets—will have any effect in putting down crime and outrage in Ireland. Guilt is the child of misery, and until misery is relieved, guilt will continue

to increase. I beg to remind the House of what took place at the dangerous period of 1776—I beg to remind you of what took place at that dangerous period when the complaints of America were brought before this House. America had one real grievance—Ireland has now a hundred. The strength of the Irish discontents is ten times greater than ever existed in America in 1776. The danger of outraging such a people is now very great, and I hope you will pause before you approve of coercion, and that you will shrink from exasperating a people whom the sufferings of many years have made to burn with fierce and indignant passion. The state of the English mind also is, in my opinion, not in a condition to justify extreme measures against Ireland; and if extreme measures be resorted to, not only will the people of England not support the Government, but I am not certain to what extent they may not carry their resistance. Let the House remember that the very elements of society are in a state of disunion—the hearts of the working men are dislocated in their bosoms; and it would be throwing a firebrand into a magazine of gunpowder to send a tyrannic commission into Ireland. I warn the noble Lord of the consequences of such a proceeding. I do it with great respect, and solely from a desire of preventing insurrection; and should the House consider it its duty to grant the required powers, I entreat his Majesty's Ministers on no account to use those powers, unless some terrible and overwhelming emergency should arise. The wishes of the people of England ought to be in some degree considered. I trust you will not go too far. Let me remind you of what took place in 1798. We were then told that the state of things required strong measures; but the measures which may be adapted to one state of society are often very ill suited to another. The state of society in Ireland—the state of society in England—and the state of society in Europe, was then very different to what it is now. Measures may be right at one time and not at another. What has since transpired on the Continent of Europe has given new lessons to the world. I call on you, as statesmen, to bear those lessons in remembrance. If, unhappily, you should be led to adopt coercive measures in Ireland, and the Irish people resist, remember they are no longer an

undisciplined mob. You cannot mow them down with your artillery as you did at Vinegar Hill. Upwards of 100 towns would be converted into fortresses in a few hours. You must now sacrifice armies to put down an insurrection in Ireland, though some years ago a few regiments would have sufficed. I shall not address you further on this subject; but it is my most earnest wish to call the attention of the House and of the Government to the too probable consequences of the course which his Majesty's Ministers seem determined to adopt. It has been said, that the Government must be feared before it can be loved. If Ministers hope for quiet in Ireland—if they wish for the love of the people of that country, they must first do away with misgovernment. Surely the way to command love is not by sending the destroying angel forth over that land. It has been said by Burke, that England never sent out the angel of peace, but the destroying angel was sent with her. In this instance his Majesty's Ministers are about to send forth the destroying angel—but no angel of peace is to accompany her footsteps. They open the Pandora's box and let out a flood of evils on unhappy Ireland, whilst even hope is not found behind. I recommend this to your most serious consideration. Remember, also, that Ireland is not capable of being reduced to a state of fear. Despair knows no fear; a nation goaded to madness by long suffering, laughs to scorn the bayonet and the cannon. Give them something to lose—something to make life desirable, and then it is possible to make them fear. Under present circumstances, then, I urge you rather to soothe than to exasperate such a nation. I have heard the Irish people accused of idleness and indifference to duties. No remark is more unjust. I have known these upright and valuable men walk hundreds of miles, and cross the sea, to labour hard in England. They exhibit enterprise, industry, and economy—a most remarkable combination of remarkable qualities. They save their earnings during the summer, in order to carry them back to their families. A nation thus enterprising, frugal, and industrious, ought never to be accused of any kind of idleness or unwillingness to work. It is the duty of this House to place labour in their hands. It should inquire into the cause that has for one hundred years past denied them the opportunity of labouring

in their own country—that has, as it were, broken their right hand, and deprived them of its use. It should be ascertained why it was, that whilst they had the power of obtaining by the labour of their hands, more of the comforts of life than they or their families could consume, they had no opportunity of using to advantage the powers and disposition which nature had bestowed upon them. One remark more—only one remark, on the foreign subjects of the Address. I wish that his Majesty's Ministers, instead of exhibiting their courage in Ireland, had turned their vengeance on the tyrant of Russia. Why have they not used one single word of commiseration towards unhappy, heroic Poland? I assure them, that if they do not think of it, the people of England will think of it. His Majesty's Ministers seem to forget that such a nation as Poland was ever heard of; but I trust this House will not; and I am sure the people of England will never consent that such a nation as Poland shall remain in its present miserable condition. I will trouble the House with one other point. His Majesty's Ministers appear to have found friendship where they expected hostility, and hostility where they expected friendship. The right hon. Baronet, the member for Tamworth, has given them his support. I am not surprised at it—but I am surprised how they could imagine that he or any of his party would ever become their friends. He has fallen from his high and palmy state for neglecting the wrongs of the English people, and shutting his ears to their prayers for relief; and the object probably next his heart is to see those disgraced who have been the occasion of his fall—to see them identify themselves with those very principles which have led him to destruction. I am surprised that the Ministers have not acted on the principle of *timeo Danaos*. Whatever measures that right hon. Baronet supported, ought at least to have excited their suspicion, and have made them pause, lest they should be acting contrary to their honour and their welfare. There is one other remark that I wish to make—only one. I wish his Majesty's Ministers would learn to distinguish their friends from their enemies. They know that the aristocracy are against them—that four-fifths of the gentry, the whole of the clergy, three-fourths of all the professions are opposed to them, and that their only real support is in the good opinion of the

people. To the honest and industrious people they should look for strength and popularity; and their conduct in disregarding the distresses of that people, and in acting in a manner far from consonant with their wishes, excites both my surprise and regret. If the noble Lord thinks it not inconsistent with his duty, I hope that he will consent to the adoption of a very short Amendment—an Amendment which will carry balm into the wounded hearts of thousands of the industrious people of England and Ireland, which will light up their bosoms with joyous hope, without compromising that justice which Ministers appear determined to uphold. I shall not vote in favour of the Amendment of the hon. member for Oldham, but I feel that I cannot support this Address.

Mr. *Hume*, amidst loud cries of “question! question!” “divide! divide!” was understood to say, that however much he might regret and feel himself bound to oppose the system of coercion which his Majesty’s Ministers seemed determined to pursue towards Ireland, yet that the House had already once divided on that question, and the Amendment before them was substantially the same. He hoped the present Amendment would not be pressed to a division, having already divided with his hon. friend the member for Lambeth, and he thought himself not called upon to support this Amendment as nothing had occurred in the course of the debate which in the slightest degree altered his opinion.

The House divided on Mr. Cobbett’s Amendment: Ayes 23; Noes 323—Majority 300.

Mr. *Thomas Attwood* proposed an Amendment—namely, in the last paragraph but three, to leave out from the words, “by all practicable means,” to the end of the paragraph, and to insert the words, “such improvements in the condition of the agricultural and manufacturing classes of the community as alone can permanently support the habits of industry and good order prevailing among them.”

The Speaker having put the question,

Lord *Althorp* said, that the original words did not imply any tendency towards disorder or idleness in the labouring classes, not even though legislative remedies should prove ineffectual to remove their distress. He would, therefore, support them, as in reality less liable to be construed in an offensive sense to the people

than those proposed by the hon. Gentleman.

Amendment negatived.

Mr. *Thomas Attwood* then proposed, another Amendment, as follows:—“That, in the third line of the last paragraph, after the word ‘disappointed,’ and before the words, ‘and we shall be ready to adopt such measures of salutary precaution,’ the following words be inserted: ‘As soon as we shall have adopted the necessary measures for redressing the wrongs and relieving the distress of the Irish people, if such measures should prove ineffectual in putting down the disturbances in Ireland, and in giving peace and contentment to that unhappy country.’”

Amendment negatived.

Report on the Address agreed to.

HOUSE OF LORDS,

Tuesday, February 12, 1833.

MINUTES.] Papers ordered. On the Motion of Lord *ELLENBOROUGH*, Accounts of the Foreign Trade with China; and of the Trade of the East-India Company; and by Private India Ships; also a Prospective Estimate of the Finances of India, &c.

Petitions presented. By Lord *SUFFIELD*, from Walston, for the Abolition of Negro Slavery.—By a NOBLE LORD, from Kirkinner and Serby, for the Better Observance of the Sabbath.

REGULATIONS FOR LUNATICS.] The Order of the Day for a Committee on the Lunatics’ Regulation Bill was read.

Lord *Wynford* said, he had a strong objection to the principle of the Bill. He believed it would work mischief instead of good, and that at considerable expense to the very individuals who deserved protection on the score of their misfortunes. It would, in his opinion, prove a heavy burthen on their property. Their Lordships had not before them any facts upon which such a Bill ought to be founded; in truth, no means whatever had been submitted to them of forming an opinion. The Bill had two objects—to amend the mode of issuing commissions of lunacy, and to appoint Commissioners who should look to the proper treatment of the lunatic’s person. Whether the Crown at present actually possessed the power vested in it by the first section—of issuing a commission to one individual or not, had been matter of doubt to him yesterday; but upon consideration, he had come to the conclusion that it did, and, consequently, there was no occasion for the first section of the Bill. This Bill proposed

to take the business connected with the Commissions of Lunacy out of the hands of the Court of Chancery; but he had never heard any complaint of the way in which the Court of Chancery had discharged that duty. Three persons were to be appointed as Commissioners, but how they were to perform their duties did not appear. If the Commissioner—for a feature in the Bill was, that proceedings might be instituted before one Commissioner—who commenced the proceedings was taken ill, a new Commissioner must be appointed, and the whole case begin *de novo*. The Bill, in fact, went on the assumption that the Court of Chancery neglected its duties, but he (Lord Wynford) had never heard one complaint of the manner in which it exercised its powers. At present, lunatics were referred to the superintendence of a Master in Chancery, and if they were not treated with due care, the Master did not do his duty; for it was his function not only to look to the lunatics' property, but see that every comfort possible in his unfortunate condition was afforded to him. The noble Lord then entered into a detailed account of the superiorities of the present over the proposed system. Was it fit that lunatics who had but small property should have a great portion of that property expended by a set of Commissioners, who were to be strewed about the country? By this Bill, three Commissioners, two clerks, and five new officers were to be created; to be paid for either by the State or out of the property of the lunatics, and it was not fitting, in these times of economy and retrenchment, that any new office should be created without showing a necessity for it. No such necessity had been shown in the present case, and therefore the measure was uncalled for; in fact, they were legislating in the dark, without one scintilla of evidence to guide them.

The Earl of *Eldon* did not mean to oppose the Bill, but to state the result of his experience as Lord Chancellor. The custom of the country ever since Edward 3rd, had been that the Crown had the custody of persons in the condition of lunatics, but the power of the Lord Chancellor over Lunatics did not vest in him by virtue of his office of Lord Chancellor but by a separate commission. Yet it was impossible for the Chancellor to attend personally to all lunatics, and, therefore,

it became necessary for Masters in Chancery, and other persons, to assist him in such matters, not as Chancellor, but as Commissioner of Lunacy; and he hoped that no Master in that Court would be found who would not give every assistance in his power to the Lord Chancellor in that capacity. He would merely give it as his own humble opinion, that he would much rather that there should be three Commissioners than one; for it was a subject of the very greatest importance into which they had to inquire—namely, the finding out whether a person was of sound mind or not. As the law at present stood, the Court had not the power of ordering out of the estates one farthing of the costs to which an individual might be put in upsetting a Commission of Lunacy after the Jury and Commissioners had found that the person was a lunatic. The Bill was no more than doing by an Act of Parliament, an act which might be done without one; however, if it was persisted in, he would do all in his power to render it as perfect as possible. It was a most difficult thing to point out the best class of men to inquire into such a subject, for they often found that even the medical men who had paid most attention to the matter, very often differed in their opinions upon the same cases.

The *Lord Chancellor* would feel the same satisfaction, which he was sure would pervade the minds of their Lordships, at affording every accommodation to the noble Lords who had addressed the House, with respect to the days for which the future stages of the Bill should be fixed. The next stage which was appointed for an early day next week, he had no objection should be then postponed to the same day in the succeeding week. He must take the opportunity of thanking the noble Lord for the pains he had taken on the present occasion, as well as when the Bill was before the House on a former one. But there were one or two things that seemed to have been misapprehended by the noble Lord who had last spoken, and they required that he (the Lord Chancellor) should take that opportunity of correcting those mistakes. The Bill proposed two objects; first, to lessen the general expense of proceedings in lunatic cases, and to improve the machinery for carrying Commissions into effect. The next was one in which he hoped and believed the Bill would be successful; it

was to amend the treatment of those unfortunate beings, who, according to the old phraseology, were designated as "the Chancellor's idiots." The first object was proposed to be attained by declaring, in the usual terms of Declaratory Acts, that the Crown possessed a power of issuing a Commission to one individual, as well as to more. The noble Lord who last addressed the House, had stated that the Chancellor was not necessarily the person to whom the Commission was directed, or lunatics intrusted, and that the jurisdiction he possessed was derived under a different Commission. This was perfectly correct—so much so, that in ordinary parlance, the Lord Chancellor, or the Lords Commissioners, or the Keeper of the Great Seal, were variously appointed in the same Act under the Sign Manual; but for centuries the practice had been to intrust the custody of those unhappy individuals to the Lord Chancellor. From this had arisen a most fortunate circumstance, namely, that the Lord Chancellor, in whose hands the power was placed, was a total stranger to the questions brought before him. Such being undoubtedly the state of the law, there was no substantial difficulty on that point, nor was there any question whether the jurisdiction alluded to formed part of the Chancellor's ordinary authority. The Bill had as its first object to declare explicitly that the Crown could issue a Commission to one individual. Upon that matter a doubt at present existed. Was it not, therefore, proper to remove the doubt by positive enactment? For if the doubt was well founded, the existing laws were insufficient for their objects—if ill-founded, it was wise to remove it altogether by an express provision in a Declaratory Act. The noble Lord who first addressed the House stated that he had no doubts on the matter; that, beyond all question, the Crown could issue the Commission to any given number of persons; but then he stated a circumstance which directly negatived the inference he wished to draw from his own clear conviction. What had he said? That not twenty-four hours ago, he had not only entertained doubts, but actually been of the opposite opinion—actually thought, not twenty-four hours since, that the Crown did not possess the power. If a person of the noble Lord's powers of reflection, of so much learning and experience—if so considerable a per-

son as he, not only within the last twenty-four hours entertained doubts, but had been of the opinion directly contrary to that which he held at present, was it not desirable to remove all possibility of doubt? If, peradventure, a person—not the noble Lord, but one similarly circumstanced, who had changed his opinion within twenty-four hours—as soon as the Bill had been withdrawn, in deference to him, should come back to his former opinion, and say: "True, that I thought the Crown possessed the power—that I then had doubts—that again I had no doubts on the matter—still a new view has occurred to my mind, and I have now great doubts upon it, or rather, my conviction is entirely the other way." All this was possible—the thing had almost happened within the last day; and though the noble Lord had no doubts at present, yet others might happen to feel them, and it was accordingly desirable to remedy the inconvenience. In fact, these doubts were entertained by persons of skill, learning, and experience, to such a degree, that they would not recommend him, and in that he (the Chancellor) fully agreed with them, to make the experiment of issuing, under the present law, a Commission directed to a single individual. Every search had been made by himself, and by his noble friend who preceded him in the Court of Chancery (Lord Lyndhurst), and the result of the fullest investigation was, that no one instance could be found of a Commission issued to one individual. His noble and learned friend spoke of precedents; but they must look to what prevailed in practice; and particularly when the prerogative was concerned. And the more general in any case was the exercise of the prerogative, the more strong would be the argument it favour of continuing the practice, and the less disposition there would be to depart from it. He was sure, that whoever might have the duty of advising the Crown—whether it was himself, or if his noble and learned friend should re-assume that office—he was sure that no person who held the Great Seal, would ever advise the issuing of a Commission to one individual, to inquire into cases of lunacy. The result, therefore, would be, that this exercise of the prerogative would be a dead letter. One lawyer would say there was no doubt—another would say there was a doubt—and the result would be, that what his noble

and learned friend supposed might be the case, would not exist in practice—Commissions to single individuals would never be issued, unless a Declaratory Law like this were passed. He certainly was satisfied, from much experience, that it would, on the whole, be most convenient, that justice would be better done, and at a less expense to the parties, if, like other contested cases, questions of lunacy were tried before the Judges at Westminster. The Commission might be issued to one of them, sitting as at *Nisi Prius*, with all the facilities for examining evidence, and all the solemnity which belonged to the Judges. His noble friend objected to issuing a Commission to one person because he might die, or be incapacitated before the business was brought to a close. That might happen now. If the death of a Commissioner took place before the inquiry began, of course a Commission would be issued to another person; if the person died after the Commission had been opened, for that, of course, there could be no remedy in a Bill like the present. Perhaps the remedy might be found by putting three names into the Commission, allowing one to act; and should he be incapacitated, the other might go on with the inquiry. The accident his noble and learned friend supposed might happen at any Assize, and the argument of his noble and learned friend, would go to prevent a single Judge from ever sitting. Let, then, the Commission go to three, but let one execute it, and then all accidents would be provided for. One objection of his noble and learned friend (the Earl of Eldon) was applied to words which were not in the Bill when it was first introduced, and which were inserted in it, as he understood, by the suggestion of his noble and learned friend. Yes, the very words were the suggestion of his noble and learned friend, and he agreed with his noble and learned friend, that the Commission should not be limited to Judges alone, but should embrace Judges and others. He felt certainly all the difficulty of uniting Judges with persons not of equal rank and dignity to them, but still the words were the suggestion of his noble and learned friend. With respect to expense and delay, if their Lordships would only refer to what occurred last year, they would find in the spring some interesting cases, which would show the necessity of applying some re-

medy. Six or seven days had been required to try one issue—aye, even twelve days. One Commission existed for twelve days, for two whole weeks, and it was occupied from ten in the morning to five or six o'clock in the evening, and one day to eleven or twelve at night, before the Commission could be brought to a close, and this without the possibility of imputing blame to any one. Instead of having one Commissioner, there were four or five in the Portsmouth case; he believed there were five Commissioners; and a great step towards making the proceedings less cumbrous—less expensive, would be taken by appointing one Commissioner, while a greater still would be taken by having those proceedings conducted before one of the Judges, with all the authority over the practitioners and counsel which belonged peculiarly to the Judges. He had happened to see cases of lunacy laid before Lord Tenterden, or traverses, and one of these cases, which, before the Commissioners, had occupied eight or ten days, was completely settled in two days, and another at Guildhall was gone through, and settled in one day, to the satisfaction of all parties. In his opinion, then, a great improvement would be made by assimilating the trial of cases of lunacy to the trial of ordinary issues of disputed facts, and such a mode of trial would be for the convenience of all parties. Another objection of his noble and learned friend had been directed against the proposed Board for the management and care of lunatics; and his noble and learned friend said, such an alteration should not be made, without first instituting inquiries into the number of lunatics, where they lived, and various other matters. Now it happened that he had, two years ago, taken steps to obtain that information; and he had moved for a return—which, by the bye, he had never seen, for he possessed the information without having seen it; and in moving for that Return, and when he had broached the subject, as their Lordships might see, by only consulting the Debates, he had then stated that the number of lunatics under the care of the Court of Chancery was about 400, and the amount of their property above 150,000*l*; he believed nearer 200,000*l*. His noble friend objected, also, to adding to the machinery of the Court of Chancery, and said it would be able to do without

help; but, unfortunately, the reverse was the fact. Why, said his noble friend, not employ the Masters in Chancery? Why not cause them to visit the Chancery lunatics once a year? There were ten Masters, and 400 lunatics; so that each Master would have forty lunatics under his care; and, without possessing any professional skill, would have to be the medical attendant of forty lunatics, scattered about the country. But, who would do the Master's duty in his absence? It might be said, why should the Master not send persons to see the lunatics? But he had no power to send; he could not give orders to a physician to visit Chancery lunatics; and if he did, who would pay the expense? He did not expect to attain his object by sending a Board travelling about the country, as his noble and learned friend implied; that would be the most expensive plan which could be devised; but by having a Board to correspond with the medical attendants of lunatics, and exercising over them a constant and regular attention, making continual inquiries, he should ensure that care of the lunatic's person which it was necessary to take. He never contemplated sending a Board of three Commissioners, with a Secretary and Clerk, about the country; that would be the most bootless errand for the unhappy lunatics that men could be sent on. Cases came before him sometimes which excited suspicion, and if that suspicion was strengthened into a belief that something was wrong, he could then order inquiries; but there was no means of putting the Master in motion. He could only act when he was put in motion; and there was no means of bringing the matter before him. It happened, too, that those who had the management of the lunatic, the Committee of the person very often might have a direct interest in not taking steps to promote the cure of the patient, and moving to supersede the Commission. Such cases might happen; and it was in vain to say that the Chancellor might attend to them all; for it could only be from some incidental circumstances that they fell under his observation. A Board, to consist of two medical men and one Commissioner, not a medical man, appeared the least expensive, and the safest guard for the good management of lunatics which could be found. His noble friend objected that he was creating offices; but he was not to

be deterred from his plan by such an objection. He was for abolishing useless offices; he had shown his readiness to do that, by abolishing sinecure offices in the Court of Chancery; but he never would, out of deference to popular clamour—though he did not think that the people objected to useful offices, moderately paid, but to useless offices, immoderately paid—he never would, out of deference to any clamour which was not indeed popular, but which it was, perhaps, hoped to make popular—he never would abstain from recommending the creation of useful offices, in which the work was much, and the pay moderate. Long before he had filled his present situation, and before he had the least hope or chance of coming into office, he had introduced measures into the other House, which had created what he supposed useful offices—the patronage of which he had not disposed of—and having done that then, he would not shrink from doing what he supposed to be his duty now, because his voice might have some influence in filling up the offices to be created. With reference, however, to the Board in question, it would be filled by those who had been pointed out by his predecessor, and he should recommend those gentlemen whom his noble and learned friend had originally intended for the office. With respect to the expense of this Board, he proposed that it should be met by a small per-centage on all the lunatics property in Chancery. It was said to be unjust to make the estate of one lunatic pay for the management of another lunatic; but he thought the wealthy lunatics themselves, should they recover, would be among the first to approve of such a disposition of a small proportion of their property. The noble and learned Lord concluded by moving that the Bill be committed.

Bill went through the Committee.

HOUSE OF COMMONS, Tuesday, February 12, 1833.

MINUTES.] Papers ordered. On the Motion of Mr. Alderman WOOD, Returns of the Growth and Exportation of Hops and Malt.—On the Motion of Mr. FINN, the Number and Expense of the Constabulary Police of Ireland, during the last three years, distinguishing the Number of Catholics.—On the Motion of Mr. HUMR, Accounts relating to Elections under the Reform Bill.—On the Motion of Mr. MATTHIAS ATTWOOD, an Account of the Sums paid in and drawn for the Trustees of Savings Banks and Friendly Societies in Great Britain and Ireland, during the last twelve Months; and of the Monthly Amount of the Sums

paid in and paid out by the Commissioners for the Redemption of the Public Debt; an Account of Savings Banks, from the 28th of January, 1852, to the latest period they can be made out.—On the Motion of Mr. GOULBURN, an Account of all Benefices in Ireland in which Divine Service according to the forms of the United Church of England and Ireland has not been performed for the last three years.

Petitions presented. By Mr. GILLON, from Falkirk, for the Repeal of the Duty on Soap.—By Mr. Alderman Wood, from London; by Mr. DUNLOP, from Port Glasgow and Newark; and by Mr. BRISCOE, from Farnham, for the Better Observance of the Sabbath.

[EMANCIPATION OF THE JEWS.] Dr. Lushington rose to present a Petition signed by upwards of 1,000 individuals of the Jewish persuasion, setting forth that the petitioners had been for a long series of years subject to certain disabilities and grievances; that they had from time to time applied to the House to have them removed; but that, in consequence of the attention devoted to the measure of Reform, they had not yet obtained the interference of the House; that their brethren of the same persuasion in Denmark, Belgium, and other parts of Europe, and in the United States of America and the colonies, had been relieved from similar disabilities and grievances, and had been restored to equal rights with their fellow-men; and praying, therefore, for the interference of the House to procure for the petitioners a like removal and relief. The hon. and learned Member said, that the petition should have been presented by the hon. member for Finsbury (Mr. R. Grant); and he (Dr. Lushington) was informed that it was the intention of that hon. Member to apply for leave to bring in a Bill for the purpose of carrying into effect the prayer of the petitioners.

Mr. O'Connell entirely concurred in the object of the petition, and hoped that the day would speedily arrive, when all things tending to restrict the progress of opinion would be removed.

[NOCTURNAL LEGISLATION.] Mr. Oswald presented a Petition from New Mills, against the Business of the House being carried on at night, and to such late hours.

Mr. Cobbett supported the last petition. The public was entitled to the best hours of the House. All night-work should, if possible, be avoided. Birds of ill-omen—bats—toads—and all noxious things, did their work at night. The Lord Chief Justice came into Court at ten o'clock in the morning. Why, then, could not they,

who were the law-makers, commence their business at the same hour as those who had to execute the law? He had already ten petitions on the subject, and he trusted soon to have 100. He should then present them in a mass. In conclusion, he stated, that in his opinion the people would never be satisfied unless the House bestowed their best hours upon public business. If any sufficient number of Members would support him, which he doubted not, he would move the adjournment of the House every night at a seasonable hour.

Mr. O'Connell concurred in the prayer of the petition. He would not, however, take part in any vexatious proceeding, but submit the question to the good sense of the House. Something had been said respecting the inconvenience to Ministers if the House met in the day time. He did not exactly see that such great inconvenience would arise, but at all events, the Ministers should rather be considered as the servants of the House than its masters.

Lord Althorp said, that his Majesty's Ministers would not place their convenience in opposition to the wish of the House, should the House prefer day-sittings.

Mr. Matthias Attwood remarked, that it was not a little singular that those very persons who were so particularly anxious respecting the time which the House devoted to business, were the first to waste that time by long and protracted debates.

Petition laid on the Table.

[HOUSE AND WINDOW TAX GRIEVANCES.] Mr. Clay presented a Petition from the Inhabitant Householdors of Shore-ditch, praying for a Repeal of the House and Window Tax. The petitioners expressed their confidence in the intentions of his Majesty's Government to reduce the taxation of the country, and they were most unwilling to embarrass them. At the same time they considered it necessary to call the attention of the Legislature to the unequal and very grievous nature of the taxes. The hon. Member expressed his entire concurrence in the prayer of the petition, and would take another opportunity of expressing more at large his sentiments on the subject. At present he would only say that the tax was most objectionable, especially as it pressed with severity on the working classes.

Mr. *Cobbett* begged to inform the noble Lord opposite (Lord Althorp), that, before the House resolved itself into a Committee of Supply, he should take the opportunity of laying before the House a statement of the grievances of the people, in relation to taxation; and calling its attention to certain resolutions on that subject; more particularly with regard to the unequal pressure. He would then show, that the poor man paid forty per cent more than the rich man, in direct taxation; and that, upon the average of the whole taxation, the poor man paid ten per cent more than the rich man. He trusted that the Members of the Reformed House of Commons would not be guilty of such treachery towards their constituency as to go into a Committee of Supply, without some pledge that these grievances would be redressed.

Dr. *Lushington* supported the prayer of the [petition presented by his hon. colleague. He trusted that the noble Lord would take the matter into his serious consideration.

Petition laid on the Table.

ANSWER TO THE ADDRESS.] The Speaker read his Majesty's Answer to the Address of the Commons, as follows:—

“I thank you for your loyal and dutiful Address, and rely with confidence on your determination to support me in maintaining inviolate the Legislative Union between Great Britain and Ireland; and you may be assured, that, in exercising the powers of Government to suppress all acts of insubordination and violence, I shall feel it my duty to assist you in applying such remedies as may be required for removing all just grounds of complaint in every part of my dominions.”

REFORM OF THE CHURCH OF IRELAND.]

Lord *Althorp*: Sir, in coming forward to propose the measures with respect to the Irish Church Establishment, of which I gave notice, I think it necessary to explain why this task has not devolved upon my right hon. friend (Mr. Stanley), whose official duties render imperative upon him to make himself better acquainted with the state of Ireland than I can possibly be supposed to be. I am sure that no one who heard the admirable speech of my right hon. friend on the subject of Irish affairs, on a former night, will doubt for a moment that he is far more competent than I am to do full justice to any subject connected

with his department, and with Ireland in general; and I agree that, if my right hon. friend had been charged with the task of bringing forward these measures, they would have been much better managed than I can flatter myself with being able to manage them; but it has been agreed that these measures should be brought forward as the measures of the Government; and it has, therefore, been thought best that, on the present, as on former occasions, the measures of the Government should be proposed to the House by the person who fills the situation in the House which I fill, rather than by the particular Minister with whose department in the Government of Ireland they are more especially connected. I shall, however, require all the indulgence of the House in coming before it under such circumstances; but I will detain you no longer with apologies; and I will now proceed to endeavour, as far as I can, clearly to explain to you the grounds of the measures which I have to propose and the nature of these measures themselves. However, Sir, before I go into the question respecting the plans which I have to submit to the House, I think it desirable to go back a little into the history of the legislation of Parliament relative to Ireland, in order to consider what the conduct of Parliament with respect to it has been, and what it ought to have been. We shall then be better able to consider what the remedies are which ought to be applied to the diseases which have so long afflicted that country. Another reason for my wishing to do this is, because I am desirous of going back to a period some years ago, when I myself submitted to the House of Commons a Motion respecting the state of Ireland at that period. I was then not so well acquainted as I have since had occasion to make myself, with the condition of Ireland. I do not pretend, unconnected as I was with the country, that I was well informed of all her grievances. Yet it may be well to call the attention of the House to those which I then selected, because at that period, they were the most prominent. I wish therefore to call to the recollection of those who then heard me, what the grievances were to which I then pointed the attention of the Legislature, conceiving them to be the most onerous for the people. I then stated, as I do still, that there were many grievances which were beyond the

reach of legislative enactments, and which could only be remedied by the exertions of the people themselves. These could only be removed by the good feeling of parties towards each other, by the mutual feeling between the rich and the poor, and of the poorer classes with each other. The grievances which I then stated as the most prominent of those under which Ireland at that period laboured, I will now state again in the same succession as I did in 1824. The first grievance that I then enumerated was the Catholic disabilities, I placed, foremost of all, the exclusion of Catholics from offices. The next grievance which I particularized was the existence of Orange and Ribbon Societies, which were at that period productive of the greatest evils. I then mentioned the evils arising from the system by which tithes were collected, the disproportionate magnitude of the Church Establishment, the improper manner in which Grand Juries were chosen, the pressure of certain taxes, the want of capital, and the nature of the connexion which existed between landlord and tenant. These were the grievances of Ireland to which I then alluded; and I wish now to call attention to the difference which has since arisen with respect to these particulars. The Catholic disabilities have been entirely removed. In the course of the debate on a former night, an hon. and learned Member complained that Government had not appointed any Catholics to offices of trust which had recently been at its disposal. The only true course, in my opinion, in appointments to office, is not to consider religion at all; but to weigh the fitness of the man for the office impartially. In the debate to which I have alluded, it was stated that not one Catholic had been appointed to any of the twenty-six stipendiary magistracies which had been filled up during the Administration of Lord Anglesey. I believe that this is a mistake. Mr. M'Can and Mr. Galway, are both Catholics. But whether it be so or not, I am sure that no question about their religion had arisen previously to the appointment of any of the stipendiary Magistrates who have been alluded to. The appointment being of a temporary nature, the persons appointed have been selected from the police establishment; and I doubt not that the selection has been made impartially. There is another point on which some animadversion was made at the same

time: I mean the appointment of Sheriffs. The non-appointment of Catholic Sheriffs for the present year, I am sure, must have been entirely accidental. In former years, Catholic Sheriffs were frequently appointed; and I am sure that the difference in the present year could not have been intended. They are, I believe, all Protestants. With respect to the Lord lieutenants of Counties, several of them are Catholics. As to other appointments, Catholics have frequently received them; and Government would not be doing its duty if it did not appoint Catholics, if qualified to fill situations, as well as Protestants; and since a great majority of the Irish nation are Catholics, as their education and fitness for office increase, the greater proportion of the offices in Ireland will in time be given to Catholics. The next grievance to which I on that occasion referred, was the existence of Orange and Ribbon Societies. I fear that the feelings which produced these societies still continue to exist; but they are much diminished, and the conduct of the present Government, as far as legislative enactments could go, has shown their inclination to put down these societies, particularly by the Bill which they brought in last Session for that purpose. The next grievance which I mentioned was the Tithe system, and the mode in which it interferes with the cultivation of the land, preventing the occupier from improving the land, without a great portion of the profits arising from his improvements falling into the hands of others. By the principles upon which we have proceeded for remedying abuses in this department, we have not succeeded in giving satisfaction to Gentlemen on the opposite side of the House; but it always has been our principle to take away from the occupier the pressure of the tithes; but not to put the benefits into the pockets of the landlords, who are bound still to bear the burthens to which the land was subject at the time when they acquired it. To the subject of Grand Jury Presentments, the next grievance which I mentioned, I will not now call the attention of the House, as my right hon. friend (Mr. Stanley) has given notice of a motion for bringing forward a measure, which, when it comes before them, it will be for the House to accept or amend as they think proper. With respect to the internal taxes which press heavily on Ireland, they are not at

present many; but a heavy pressure is produced on the people of Ireland in the article of soap. That article is taxed in England, and not in Ireland; but the mode in which the drawback is paid in England, on exporting this commodity to Ireland, produces an undue pressure upon the people of the latter country. I have already in preparation a plan for remedying this grievance. Want of capital is the next evil of which I complained. It cannot be remedied by anything which this House or the Legislature can do. Whatever can be done, his Majesty's Ministers have shown their inclination to do it. I can assure the House that they will continue to do every thing in their power for the good of Ireland. Want of capital can only be remedied by the continuance of quiet, and the preservation of peace and good order. That, therefore, is a point with respect to which the Legislature can do nothing; it is entirely without the range of legislative enactments, except in as far as they can contribute to promote peace and tranquillity. The only other point to which I alluded at that time, was the nature of the connexion between landlord and tenant. This, also, is without the range of legislative enactments. At the time I made the Motion to which I have been alluding (1824), great complaints were heard (and I think I stated so at the time) of the manner in which contracts between landlord and tenant were evaded, from the mode of interpretation adopted in Irish Courts of Justice. I am not sure whether the hon. and learned Gentleman (Mr. O'Connell) stated that in his list of grievances; but many witnesses who had been examined by the Committee of the House of Commons, made great complaints on the subject; and a Bill was brought in for remedying the evil; but that Bill had a retrospective operation, and was therefore objected to by the Members for Ireland. I agree that the principle of a retrospective enactment is bad; and therefore it is proposed to bring in another Bill which shall not have a retrospective effect. Its object will be, merely to compel Courts of Justice to give effect to contracts between landlord and tenant. Thus I have stated the grievances which I mentioned on that occasion; I have explained what the situation of Ireland was; I have mentioned what legislative enactments have been since applied to redress its grievances,

and what enactments it is intended now to apply. I do not say that the grievances, which I have enumerated, are all to which Ireland is subject; but I state them thus partially, because they were the most prominent nine years ago; and because it has now become fashionable in this House to talk about consistency; and, therefore, I wish to refer to the opinions which I held in 1824, to show that they were the same as they are now—without, at the same time, claiming any merit for not having changed. I now come to the subject of the measures of which I gave notice. With respect to the question, it will be allowed that it is one of the deepest importance; and it is the more difficult, as the remedies, which were so imperatively called for, have been so long delayed. It is always to be observed, that the longer the remedy of evils is postponed, the greater the difficulty of applying the remedy becomes. This has been the case in all the great measures which have been carried by the present Administration. The delay of the remedy even diminishes the good effects of it when it is applied. I will now proceed to the immediate question respecting the Church. Though, looking at the proportion of the population attached to the Protestant Church, the people certainly have reason to complain of the greatness of the revenues of the Established Church in Ireland, yet a very great exaggeration has prevailed as to the amount of these revenues. I can say conscientiously, that a greater exaggeration has prevailed on this subject than has prevailed on any political topic which I recollect. Before I looked more narrowly into the question, I myself greatly exaggerated to my own mind the amount of the revenues of the Irish Church Establishment. There must, no doubt, be a difference between the way in which we look at the Church of England, and the Church of Ireland, in consequence of the difference in the religion of the majority of the population; and the Irish Church ought not to be placed on a footing of expense, even in proportion to the population of the country. Even with these considerations, the revenues of the Church of Ireland have been greatly exaggerated. One great exaggeration has arisen concerning the amount of the revenues of the Bishops. I think I shall surprise the House when I mention the amount of all the revenues of the different sees in Ire-

land. The nett revenue of all the Irish Bishops is only 130,000*l.* a-year; their gross revenue is 150,000*l.*; but their net income is only 130,000*l.* a-year. There is certainly a great tract of country which belongs to the Bishops; but they do not enjoy the whole of the beneficial interest in that land. The tenants who occupy it have five-sixths of the yearly value of it. The estimated amount of the annual value of these lands is about 600,000*l.*, of which the Bishops have only 100,000*l.* This circumstance accounts for the exaggerated statements which have obtained credit with respect to the incomes of the Episcopacy of Ireland. The Deans and Chapters in Ireland are on a different footing from those in England; and the Deans, and Prebends are principally paid by holding other benefices. The gross amount of the revenue payable to Deans and Chapters as collective bodies in Ireland, is only 23,606*l.*, of which 21,400*l.* is required to cover their expenditure—leaving them only a balance of 2,206*l.* With regard to the value of other benefices, I am not prepared to give a very accurate statement. The only estimate of their yearly value must be obtained from the Returns called for by the Church Commission; and my calculations must be founded on the assumption that those Churches for which no Returns have been received, are of about the average value of those of which we have Returns. The number of benefices in Ireland is 1,401, of which 1,149 have sent in their Returns; and the amount of the whole thus returned is 478,000*l.* If the remaining 252 benefices are about the same average, the whole value will be about 580,000*l.* a-year. If, therefore, I take it at 600,000*l.*, I do not think I take the value under the fair amount at which it may be reckoned. Thus, according to the statement which I have made, the income of the Bishops is 130,000*l.* a-year; that of Deans and Chapters is 23,606*l.*; and taking the value of other benefices at 600,000*l.*, the whole annual income applicable to the support and maintenance of the Church does not exceed 800,000*l.* a-year. I have to go into these details before entering upon the consideration of the measures which I am about to propose, and to press these facts upon the consideration of the House at this time, in consequence of the grossness and the general belief of these exaggera-

tions, in order that Gentlemen may not come to the discussion of so important a subject, without knowing what the true calculations are with respect to those points. Now, I apprehend, that however great the differences of opinion may be as to the right of Parliament to apply the property of the Church to the purposes of the State, both those who think that they have a right to apply it to such purposes, and those who think that they have no right so to apply it—all will agree in thinking that the first claim upon the property of the Church, is the claim of the Church itself. No parties are likely to dissent from this opinion, but those who either think that there ought to be no Church Establishment at all, or those who think that a different Church ought to be established in Ireland. With the exception of those who entertain these opinions, it will be generally agreed that the present property of the Church Establishment ought to be applied in the first place to the purposes which may be necessary for extending the benefits of the Church to the people of Ireland? Are these purposes sufficiently provided for as matters now stand? We have heard frequently of benefices in which no duty is performed at all, or where there is no Church, or where there is no resident minister. We have heard these statements frequently made; but it is also well known that there are many places where there are congregations in which there is a difficulty in the due performance of public worship, and that the working clergy, while their superiors enjoy large revenues, have very inadequate incomes, and are frequently placed in the most distressing circumstances. There are 200 livings in Ireland, which are of less value than 100*l.* a-year. While this is the case, where there are Protestant congregations, who require to be provided with the means of attending divine worship, it cannot surely be said by any one that the Church of Ireland itself ought not to have the first claim on the property of the Church. For the purpose of supplying these deficiencies in the incomes of the working clergy, both in England and Ireland, a grant was made of the first fruits to the Board of First Fruits; but both in England and Ireland, in consequence of the lapse of time, and the difference of the value of benefices at the time of their valuation, for the purpose of estimating

the amount of the first fruits, they do not amount to nearly so much as they ought properly to do. They are, indeed, of such extremely inconsiderable importance in contributing to the objects for which they have been appropriated, that one might almost say they do not exist at all. The first measure which I have now to propose is, one for abolishing the Board of First Fruits, and the system of first fruits altogether. To effect this object it will be necessary that there should be an Act of the Legislature. What his Majesty's Government propose is, that instead of the first fruits, deductions should be made from the various Ecclesiastical benefices in Ireland in proportion to their value. The scale on which those deductions should be framed has been the subject of some consideration, and I will now state to the House the result. We propose that from benefices of 200*l.* a-year, nothing whatever should be taken. We propose from benefices of from 200*l.* to 500*l.* a-year to take five per cent; from benefices of from 500*l.* to 800*l.* a-year to take seven per cent; from benefices of from 800*l.* to 1,200*l.* a-year to take ten per cent; and from all benefices of above 1,200*l.* a-year to take fifteen per cent. It is difficult, for various reasons, to state what the exact amount of these deductions will be; but it is presumed that, upon the average, it will be about seven per cent on the annual value of the whole of the Ecclesiastical benefices in Ireland, making probably a sum of 42,000*l.* I ought to have observed, that it is proposed in this arrangement, whenever a minister holds more livings than one, that the deductions should be made as if the produce of all the livings were the produce of one living. Thus, if a clergyman hold one living of the value of 700*l.* a-year and another living of the value of 300*l.* a-year, take from him as if he had a single living of 1,000*l.* a-year; in other words, deduct from his annual receipt ten per cent, instead of the smaller deduction to which he would be liable if the amount of his two livings were estimated separately. We propose that the incomes of Deans, Chapters, and Prebendaries, should be subjected to the same scale of deduction. It must be evident, however, to the House, that if the same ratio were observed in the case of Bishops, it would be an exceedingly unfair proceeding. The necessary expenses of a Bishop are much greater in proportion

than those of the inferior clergy, and it would therefore be most unfair to deduct from their incomes upon a scale the lowest amount of which would be fifteen per cent, and which would ascend to an enormous amount. We propose, therefore, a separate scale of deduction as applicable to the Bishops in Ireland. We propose to take from all Bishoprics below 4,000*l.* a-year in value, five per cent; from all Bishoprics below 6,000*l.* a-year in value, seven per cent; from all Bishoprics below 10,000*l.* a-year in value, ten per cent; and from all Bishoprics above 10,000*l.* a-year in value, fifteen per cent. Sir, I am well aware of the inconvenience of touching what are termed vested interests; I am well aware that in such cases we should not go one step beyond what strict justice warrants; but when I consider the amount—the nominal amount—of first fruits in Ireland—when I consider how highly important it is to the members of the Church Establishment in that country to submit to some new arrangement for the sake of securing the affections of the people—I entertain the greatest hopes that no strong opposition will be made to this proposition; nay, I may go further and say, that I have every reason to believe that no strong opposition will be made to this proposition. There is one other point I must mention, as it will be immediately connected with the measure which the Government has in contemplation. The House would recollect, that at the time of the appointment of the present Bishop of Derry to his see, it was stated, in consequence of a question put by an hon. Member, that the Bishop received that appointment with the understanding that his emoluments should be reduced whenever a general arrangement of the revenue of the Church of Ireland should take place. The time of that arrangement has now arrived. The revenue of the Bishopric of Derry, like the revenue of the Church of Ireland generally, has been grossly exaggerated. I believe that its actual amount is 12,159*l.* We propose, in consequence of the arrangement recommended by his Majesty's Government, to reduce the revenue of the Bishopric of Derry to 8,000*l.* When from that sum shall be taken the deductions which I have just been describing, it will leave the Bishop of Derry only a nett income of 7,200*l.* These are the sums, Sir, which will be immediately placed at the

disposal of the House by the plan proposed by his Majesty's Government. In order to carry these measures into execution, we propose that a Board of Commissioners should be appointed for the management of these funds. Although it is indispensable that that Board shall be composed entirely of members of the Church of England, we are anxious that every means may be adopted of rendering the Board as independent as possible. That Board will have at its disposal the management of the sums which I have mentioned, and will have a most laborious and important duty to perform. Sir, I think that every hon. Member will agree with me, that whenever you have a Church Establishment, it is the duty of the Legislature to take care to provide the means of building and repairing the necessary edifices, and furnishing them with everything suitable for the performance of Divine worship. Such a provision is essential to the maintenance of an Establishment. But in Ireland there is great complaint—and, in my opinion, well founded complaint—of the mode in which this provision is made. The complaint is, that in a country in which the great majority of the payers of Church-rates are Catholics, those rates are exclusively under the management of Protestants. The Church-rates are not of the nature of a burthen on the land, which the person who purchased, or the person who rented the land, knew must be paid. They are of a very different character. The rate may be increased by the abuses of those who administer it; on the other hand, it may be diminished by frugal management. It is exceedingly grievous to the Catholics of Ireland to be obliged to pay Church-rates at all; and a great addition is made to the grievance in consequence of the management of the rate being exclusively in the hands of a Protestant Vestry. Having taken all these circumstances into consideration, it is our intention in the Bill which I am about to move for leave to bring in, to abolish Church-rates in Ireland entirely. The amount of these rates at present is about 70,000*l.*—from 60,000*l.* to 70,000*l.* The means which I have already stated, which will be at the disposal of the House, amount fully to 60,000*l.* There may be some deficiency: but as it is probable that a reduction may be made in some of the articles of expense, I have little or no doubt that the Board of Commissioners

will have sufficient means in their hands to meet all the demands which may be made upon them. Among the various laborious duties which will fall upon the Commissioners, will be that of building glebe-houses and new Churches, and adding to small livings where required. In order, however, to prevent the erection of new Churches where they are not required, it is proposed that the Commissioners shall not have the power of applying any funds to that purpose, unless a certain sum shall have been raised by private individuals, or a certain amount of pew-rents subscribed for. It is intended that the Commissioners shall regularly lay before Parliament, Reports of all their proceedings. Sir, I have described some of the measures which his Majesty's Government intend to propose. But there are others, which we consider to be highly important to the welfare of the Church of Ireland. I fear that the reserves which I have described from the yearly value of the Ecclesiastical benefices will go but a little way to secure that well-being, unless seconded by reductions in the revenues of the dignitaries of the Church. It is proposed, however, that those reductions shall be prospective—that they shall not take place until the death of the present incumbents. The present revenues of the Archbishop of Armagh, the Primate of Ireland is 14,460*l.* It is proposed, on the expiration of the present incumbency, to reduce it to 10,000*l.*; and that sum subjected to the reserves to which all the other episcopal revenues are to be subjected, will be further reduced to 9,000*l.* With respect to the Deans and Chapters, it is intended, when it is found that they have no ecclesiastical duties attached to them, either to abolish them altogether, or to attach certain duties to them, so as to render their offices efficient; so that all sinecure seats in Cathedrals will be entirely abolished. The next point, Sir, to which I wish to call the attention of the House, is one on which there has also been great exaggeration, but which I am perfectly ready to admit it would be exceedingly injurious to leave in its present state. I allude to the case of livings in Ireland in which no duty is performed. It is proposed, where it shall appear, after the decease of the incumbent, that no duty has been performed for three years, to give the Commissioners a discretionary power to

suspend the re-appointment of a Minister in such a parish. The House will at once see the reason why I have stated a period of three years, because, if it had been for a shorter period, it is likely some course would have been pursued in order to show that service had not been performed, and thereby to secure the disqualification. Sir, a great deal has been said with respect to the number of Bishops in Ireland, as compared with the number of Bishops in England. I do not consider that, however, to be quite a fair mode of making the comparison, because the duties of the Bishops in Ireland do not depend wholly on the number of souls in their dioceses, but on the space over which those duties are to be exercised: the duty of a Bishop requiring the regular visitation of the different parts of his diocese. So that, although it is contended that twenty-two Bishops are more than are necessary for Ireland, we ought, before we decide on the proper number, to consider the great space over which their duties are to be performed. I am perfectly ready, however, to admit that twenty-two Bishops are more than are necessary in Ireland. With that impression, his Majesty's Government have looked at the circumstances of the case, and have considered how many Bishoprics may be reduced in Ireland, after the decease of the present holders, leaving the means of performing the episcopal duties of the country fully and efficiently; and on the best consideration which we have been enabled to bestow upon the subject, we think that the number of Bishoprics in Ireland may very fairly be reduced by ten. The Bishoprics which it is intended to reduce are, Dromore, Clogher, Raphoe, Elphin, Clonfert, Killaloe, Kildare, Cork, Waterford, (at present vacant, and which vacancy will, therefore, not be filled up), and Ossory. In order that the duties of those dioceses should be properly performed, it is proposed to unite Dromore to Down and Connor; Clogher to Armagh; Raphoe to Derry; Elphin to Ardagh and Kilmore; Clonfert to Killaloe; Killala to Tuam; Kildare to Dublin; Cork to Cloyne; Waterford to Cashel; and Ossory to Ferns. The province of Tuam it is proposed to unite to that of Armagh, and the province of Cashel to that of Dublin, making Tuam and Cashel Bishoprics. Thus there will be only two Archbishoprics in Ireland; an arrangement

which I hope will give satisfaction to the House and the country. The sums which these various arrangements will place at the disposal of the Commissioners, will, I hope, enable them to augment some of the smaller livings, and enable them to render the revenue of those livings adequate to the support of a clergyman in a gentlemanly manner. Sir, I have already stated that the nett revenue of the Bishops of Ireland amounts at present to 130,000*l.*; 60,000*l.* of which will be deducted when the plan which we now propose comes into operation, and with that sum the legislature may deal as it thinks fit. I believe, Sir, I have now stated all the sums which will fall under the cognizance of the Commissioners; but there is another source of benefit to the public, which I think may be immediately opened. Even those who may feel most strongly upon what they may consider the injustice and even the want of power on the part of Parliament to interfere with the revenues of the Church, will agree with me, that, if by any Act of the Legislature a new value can be given to any property belonging to the Church, that new value will not properly belong to the Church, because it is an acquisition dependent on such Act of the Legislature, but that it may be appropriated immediately to the use of the State. It is well known, that by the law as it now stands, the Bishops in Ireland have no right to grant longer leases of their lands than for twenty one years. In practice, however, I believe those leases are annually renewed, and the fine, together with the rent, may be said to form the revenue of the Bishop. As I understand the matter, the value of a Bishop's lease in Ireland is twelve and a half years' purchase. The tenants labour under this disadvantage—that, although the leases are usually renewed every year, it is in the power of the Bishop (and the power has been exercised) not to renew them. A new and young Bishop may run his life against his tenants, and thereby deprive persons of the property of which they have been in possession all their lives, leaving them without remedy. The tenant is also placed in this situation—namely, that if the land has been much improved, he is liable to an increased fine, and consequently to the loss of the value of his improvements. It is not proposed to diminish, in the slightest degree, the just

incomes of the Bishops derived from this source; but to enable any Bishop's tenant, who may choose to demand it, to have a perpetuity of the land which he now occupies, at a fixed corn rent. Upon inquiry we find that the value of such a lease—a perpetual lease, at a fixed corn rent—would be twenty years' purchase, instead of twelve and a half; that is, that the tenant may be called upon to pay seven and a half. What we propose is, that the Bishop's tenant, who chooses to require that his tenure may be made perpetual, may have it rendered so, upon a tender of six years purchase. There are a great many persons at present holding Bishop's lands; and it is evident that this proposition will confer a great benefit on those persons, as it will give them a permanent advantage, from the improvement which they may make in the value of the land, and will provide against every claim which the Bishop may make to their injury; and the Bishop will continue to receive the same rent as at present—the only difference being, that he will not have the power, by running his life against the leases of his tenants, to withhold from them that to which they are justly entitled. This can be done only by Act of Parliament; and, therefore, it will be necessary to pass an Act, extending the provisions of the Act which gives the Bishops their present power of making leases. Even the objections of those who deny the right to interfere with Church property will not apply to this proposition; and I confidently expect their concurrence in it; as, whatever fund may be raised by the purchase of these perpetual leases, will be placed at the disposal of Parliament. I cannot, at the present moment, tell what may be the probable amount of the purchases in the first instance. We know what may be the amount of the whole if so converted; for it is stated that 500,000*l.* is the value to the tenants, and only 10,000*l.* to the Bishops. Of course I do not look to any such benefit as that statement may seem to imply. But whatever may be the amount gained, it is evident that it will be acquired with great advantage to the tenant, and without any injury to the Bishop. Sir, I have now stated the whole of the plan of his Majesty's Government. I do not mean to say that this is the only measure required with respect to the Church of Ireland. I do

not mean to say that there are not other measures necessary with respect to non-residence, with respect to pluralities, and to induce the landlords of Ireland to take on themselves the payment of the tithes. All these measures must be brought under the consideration of the House: they will undoubtedly be so during the present Session of Parliament; but this is the measure which I now propose with respect to the temporalities of the Irish Church. Sir, I hope and trust that this is a plan which will give general satisfaction. [*cheers*]. That, cheer assures me of it. I will not detain the House any longer. The measure I have proposed provides for not continuing the scandal of persons holding benefices and receiving the revenues of a living where no duty is performed; and it provides to as great an extent as is practicable or advisable for the reduction of the number of the Irish hierarchy. I would also beg to observe, that it does not lay down any abstract principle. Indeed it is not necessary to do so for any practical purpose. It is not necessary now to decide whether Parliament has or has not a right to interfere with Church property. As I have already observed, all who think that there ought to be a Church Establishment at all, must agree that the Church has the first claim to be provided for out of these revenues. But when a practical plan like this is brought forward, it is quite unnecessary to call on the House for a determination on any abstract principle; or to decide whether or not Parliament has any right to interfere with the property of the Church. The effect of such a call would be only to delay and obstruct the progress of a practical and necessary Reform. The plan which I have now detailed to the House is what his Majesty's Ministers feel themselves justified in proposing at present; without meaning to preclude Parliament from considering the future appropriation of Church property to other purposes than those of the Church. Whenever the purposes of the Church are fully satisfied, Parliament may, if it think fit, proceed to the consideration of the manner in which the surplus ought to be applied. The question will be perfectly open. All we have in view on the present occasion is to submit a practical proposition for a practical amendment of the law. I will not detain the House any longer, but will, at once

move for leave to bring in a Bill to alter and amend the law relative to the Church Establishment of Ireland.

Mr. *O'Connell* said, it was not his intention to detain the House for any great length of time; but he could not refrain from expressing the great satisfaction and delight which he felt on the introduction of such a measure as that which the noble Lord had described. Although he sometimes spoke strongly and warmly with reference to measures which he thought injurious to his country, still he could assure the House that he was as ready as any man to give his honest and conscientious support to every proposition which appeared to him to be calculated for the benefit of that country, let it come from what quarter it might. He thought that the measure now proposed, with respect to the Established Church of Ireland, was a wise one; it contained within itself the seeds of future amelioration. It had been insinuated formerly that there was a class in Ireland who wished for the establishment there of a different Church. Let the noble Lord, however, throw such an idea out of his contemplation; there was no wish in Ireland to forward or support any such plan. If such a plan were formed, if any such claim were asserted—there was no Member in that House who would more decidedly oppose it than he would. At the same time he was, and ever had been, of opinion, that the passport to office in Ireland should be merit alone, and not religion. He meant not now to go into any discussion of the revenues of the Irish Church, because there would be an ample opportunity for entering on that subject hereafter. The land revenue of the Church in Ireland was amply sufficient for the support of that Establishment. If the Church lands were properly attended to, that revenue would be more than sufficient for every necessary purpose; but the fact was, that at present the Church lands were at once known in Ireland by the wretched manner in which they were cultivated. The miserable state of the peasantry, and the badness of the cultivation, immediately struck every person who approached Church lands in Ireland. He greatly approved of this Bill, because it was clear that it recognized a principle which would be applicable to all property of the same description. He thought it his duty to express these sentiments, and he thanked

the House for hearing him with so much patience; but still he would trespass a little further on their time. The measure now proposed, though it should have his support, did not give so much relief as he could wish. It was, however, founded on a valuable principle, since it recognized the right of Government to look into the state of ecclesiastical property hereafter. They had, in Ireland, fever hospitals, receptacles for the insane, and institutions where individuals afflicted with various maladies were received. These institutions might be supported by a portion of that ecclesiastical property. It would, he thought, be found hereafter that, by a due appropriation of part of those Church revenues, the country might be relieved from the Grand-Jury cess. The Vestry-cess was perhaps even more onerous than the other, for it was a subject of the greatest abuses. Into those abuses he would not then enter; he would merely content himself with pointing out one instance. He knew, a parish in which the Church had, in the course of twenty-one years, been built no less than three times, the expense coming out of that particular fund. He, therefore, was most desirous that this obnoxious Vestry-cess should be removed. Such a measure would do away with much irritation and vexation; for they must all know, that nothing could be more annoying than for a man's neighbour of a different religious persuasion to go into a church, or the ruins of a church, and there decide on what he chose to abstract from his fellow-parishioner's pocket. He felt extremely grateful to the noble Lord for the plan which he had brought forward; and though, it did not go so far as he could wish, for it did not extinguish so soon as it ought some particular causes of grievance, still it came recommended to the House by many useful features, and he should most heartily support it.

Sir *Robert Inglis* said, that there was no subject, whether of an ecclesiastical or a civil nature, connected with the country, in which he should be willing to follow the example of the hon. and learned Member. Differing as he had done from the hon. Member, both before and since he had come into that House, it would be sufficient for him that a measure connected with his (Sir Robert Inglis's) Church should meet with the hon. and learned Member's unqualified approbation for it to call forth his censure and resistance. It was not

that he wished to attribute to the hon. and learned Member anything inconsistent with the due discharge of what he considered to be his duty, but he drew, from the circumstance of the hon. and learned Member supporting a particular measure hostile to the establishment, a new argument against the Act of 1829, which introduced into a Legislature called together to consult for the good of that Church, persons necessarily luke-warm at least towards the interests of that Church. After the discussion which had taken place within these few days, with respect to the oath taken by those Gentlemen in that House who were not in communion with the Established Church—if the noble Lord, one of the sworn Privy Councillors of the King, standing there with the authority of the King's Government, and proposing a measure in the name of the King, under the sanction of that Speech which he had advised the King to address to his Parliament—if, he said, the noble Lord still thought, that this measure was one which the King, as head of the Church, ought to be recommended to submit to Parliament, it would be vain for him to taunt the hon. and learned member for Dublin—and he assured him he did not taunt him—it would be vain for him to taunt any hon. Member of a different persuasion for wishing to overthrow the Church, when those who were summoned to consult for the good of the Church brought forward a measure which he (Sir Robert Inglis) held to be utterly inconsistent with all the principles upon which the Church Establishment was founded. The hon. Gentleman who cried "No," would have ample opportunity, in the course of the discussions which must take place, of opposing more fully than by that emphatic monosyllable the assertions which he (Sir Robert Inglis) was now about to make. But, he would ask, did the House recollect the oath taken by the Sovereign as to the preservation of the rights and property of the Church? Did the hon. and learned Member, or, he might ask, did the noble Lord recollect that oath? The King, at his Coronation, took an oath that he would maintain the law of God, the true profession of the Gospel, and the Protestant reformed religion, as established by law. His right hon. friend opposite (Mr. Stanley) cheered him before he came to the pas-

sage to which exclusively, perhaps, he ought to have called the attention of the House. The King proceeded to swear that he would preserve unto the Bishops and clergy, and to the Churches intrusted to their charge, all such rights and privileges as by law did, and hereafter should, appertain to them or any of them. He could understand being told that an oath was good for nothing; but he was at a loss to conceive how any one admitting the obligation of an oath, and reading this oath word for word, could consider that, when the King consented to an act which annihilated one-half of the Bishops of Ireland, he preserved to the Bishops and clergy, and the Churches committed to their charge, such rights and privileges as at the time of his taking the oath belonged to them. What casuistry could reconcile these flagrant contradictions it was not for him to say. He saw no means of escaping from the difficulty but by ingenuity the most perverted, or injustice the most flagitious. He contended that this measure was a violation not only of the written sense of the King's Coronation Oath, but equally contrary to the general obligations which Members of that House incurred when summoned to consult together for the good of the Church. But even let the oath go for nothing. An hon. Member had said, that he wished there were no barriers of that kind between the person elected and his constituents—that the voices of freemen unrestricted should send their Representatives to Parliament—that there were no oaths for the maintenance of any institution; but that the single fact to be inquired into by that House should be, whether a certain individual were returned by the electors. Let oaths then be nothing—were Acts of Parliament nothing? Was the Act of Union, which was not only an Act of Parliament, but a treaty, nothing? And were these things nothing with the noble Lord, when he considered that the twenty-two Bishops in Ireland were permanently provided for at the Union, and that the 29th and 40th George 3rd enacted that the continuance and preservation of the United Church, as the Established Church of England and Ireland, should be an essential and fundamental part of the Union? He understood, from the look of a right hon. friend of his opposite, that he did not consider the excision which the

noble Lord proposed in the Church as any violation of that provision. Then, he begged to ask, if the excision of ten Bishops was no violation, at what point would that violation begin? Would twelve be a violation? would fourteen? would sixteen? would eighteen? In short what number were his Majesty's Ministers prepared to state would be sufficient to maintain inviolably the pledge which the two nations gave to each other at the time of the Union? Or, if they were not prepared to state any number, they must allow him to consider that the excision even of one Bishop was a violation of the compact. But this was not all: by the Roman Catholic Relief Act another security was given to the Established Church. And how was that security met? The preamble said, "Whereas the Protestant Episcopal Church of England and Ireland, and the doctrine, discipline, and Government thereof, and the Presbyterian Church of Scotland (if the one was attacked, the other would soon be undermined, and the hon. member for Middlesex had said, that there was as much hostility to the Presbyterian Church in Scotland as to the Established Church here), are, by the respective Acts of Union—namely, the Union between England and Scotland, and the Union between Great Britain and Ireland—established permanently and inviolably." Now, he could not understand the reasoning by which any man could conceive himself at liberty to destroy one half of that establishment in either of the countries, and yet hold that he preserved the establishment. To his judgment it was perfectly obvious that if a man swore to preserve certain institutions, and destroyed one half of those institutions, the oath was broken, the compact was annulled, the treaty was violated, as much by the destruction of a part as of the whole. The integrity of the institution was destroyed as effectually by the removal of one as by the removal of the whole. This was his preliminary objection to the measure of the noble Lord. When, on the 1st of March, 1831, he felt it his duty to rise in that House to oppose the Motion of the noble Lord, the Paymaster of the Forces, for a Reform of that House, he was not more taken by surprise than he was now; the measures on both occasions having far exceeded every expectation even of the warmest friends of Reform of the State or of the Church. He was sure the hon. and learned member for Dublin could

not, after the speeches which he had addressed to his Majesty's Ministers during the last four days, have expected anything that would give him such cordial pleasure as this proposition. ["*Hear, hear,*" from Mr. O'Connell.] And what had his Majesty's Ministers to gain by pandering—["*No, no,*" from Lord Althorp.] Did the noble Lord mean to state that if he (Sir Robert Inglis) were right in viewing this measure as contrary to the Coronation Oath, to the Act of Union, to the Emancipation Act, and the oath of Members of Parliament—and supported, as it was, out of doors, by every party which was hostile alike to Church and State—that he used too strong an expression when he spoke of Ministers as pandering to the bad passions and every baser interest of the people, when he saw them sacrificing the rights of the Established Church by proposing a measure which he thought pregnant with unutterable mischief to the Church in Ireland, and through it to the Church in England, and to the interests of true and pure religion? He had never laboured under a deeper sense of distress and pain than when he saw such a measure proposed by such men. He had hoped, after the conduct of the noble Lord during the last week—after the way in which he had resisted the measures of his political opponents, and the support which he had received from the House in defence of the constitutional principles which he asserted—he had hoped that the noble Lord would not be the man to introduce a measure so destructive as this must be to the Church. In the observations which he had made he looked only at the temporalities of the Church. But he never could admit, that the House was at liberty to consider, as the noble Lord seemed to do, that those temporalities were the only considerations which ought to engage attention on an occasion when the interests of the Church were concerned. The noble Lord's first proposition was, that the Church of England in Ireland was excessive, as compared with the population, however exaggerated its revenues might be. By using the expression excessive, the noble Lord seemed to refer solely to financial concerns, and to leave out of the question higher considerations, to which he (Sir Robert Inglis) attached greater importance. He would not admit that the establishment was excessive, even in regard to the actual re-

quirements of the people; but the measure of the noble Lord not only made no provision for the expansive force of protestantism, but fettered and restrained its actual energies. There were many details in such a question with which it would be improper for him at present to detain the House. But on one point he must say, that he did not understand how the friends of the liberty of the people could feel themselves justified in proposing attacks upon the possessions of one particular class. The noble Lord proposed to subject clerical property to a tax, rising from five to fifteen per cent. If the tax were proposed on other property also, he (Sir Robert Inglis) might not feel himself justified in raising the same arguments against it. A graduated property tax, however, appeared to him objectionable in any case, even if it were only on the score of political economy. But the noble Lord confined this tax to one class, and also made it graduated. With regard to Church rates, he had so often had occasion to contest that question, particularly with the learned member for Dublin, that he would not repeat his arguments now; but every one knew that if a farmer were subject to church rates, and if you relieve a particular acre of land from the Church rate, you put the money into the hands of the landlord. He could not understand how, if you took away from the Church its legitimate source of maintenance, you did otherwise than give the money to the landlord or his tenant. With respect to First Fruits, the noble Lord appeared to hold a popular error. First Fruits were originally a papal usurpation, at least a tax paid to the Pope. On the Reformation they were restored to the Church: the next year Henry 8th resumed them, and annexed them to the Crown; and, in the Crown, they remained till Queen Anne gave them to the Church. But throughout all this time they were a money-payment, fixed by law, and not bearing any given proportion to the value of benefices; and, if this tax were illegal in its origin, the utmost which could be done was to continue it at its ancient rate, since any increase would only heighten the illegality of the exaction. With respect to the restriction of bishoprics, the noble Lord had not stated how that was to be reconciled with the attendance of the Bishops in the House of Peers. He did not know how the Act of Union, violated in so many

other respects, was to be preserved in this particular. And what was the time which the noble Lord chose for making these changes? Was it when the Church in Ireland answered more or less to the purposes for which it was designed? The noble Lord had not ventured to state that the Church had not, from year to year, advanced in the useful discharge of its duties. But the Church in Ireland had been suffered to be attacked from more than one side of the House, and often by the noble Lord's own supporters, without his having, either on this or on any other occasion, stated his conviction that at no period of the history of the Church, from the time of the Reformation down to the present moment, had the Church ever less deserved so sweeping a condemnation as that which was now denounced against it. At no period, from the time of Henry 8th to the present, was there ever a body of men who did so much for the maintenance of the interests of religion. And he stated this, not from his own personal observation only, although he had the honour to know many most distinguished men belonging to the Church in Ireland, but he stated it also on the authority of certain speeches made at meetings held in Ireland, on the subject of the Church. At a meeting held in Cork, in the year 1829, under the presidency of the Earl of Mountcashel, one of the speakers bore a testimony to the merits of the clergy of the Established Church, which he would quote with the more satisfaction and confidence, because it proceeded from an enemy rather than a friend of the Established Church. He felt that, supported as the noble Lord was by the cheers not only of his own friends, but of the Irish members at the opposition side of the House, his measure was too likely to pass into a law; but, whatever indulgence the House would at any time extend to him (Sir R. Inglis), he would not be wanting to expose the mischief, the evil, and the wickedness of this measure. The individual to whom he referred said, in reference to the existing clergy of the Established Church, that they, and particularly the younger clergy, were now devoting themselves in earnest to the duties of their sacred calling—that every pulpit echoed with the glad words of the gospel,—and that in consequence of the zeal of the pastors, the Churches were becoming crowded.

He quoted this testimony, because as he had said, it was given not by a friend, but by an enemy of the Church establishment. And yet it was this Church that the noble Lord was preparing to weaken, if not to destroy. Looking at the objects for which the Members of the Legislature came together, and at the words of the oaths and acts of Parliament to which he had referred, he (Sir R. Inglis) could not but regard this measure as one fraught with the greatest injury, not merely to the Established Church in Ireland, but to every other ecclesiastical establishment and corporation, but more particularly to the Church in England. Let not the Church in England suppose that by sanctioning this measure, and sacrificing the Church in Ireland, it could secure more than a precarious existence for itself. The hon. and learned member for Dublin very candidly told the House that he considered the measure valuable because it established a principle which might be acted upon hereafter. He said, at the commencement of his speech, that he regarded the measure with great satisfaction, and, at the close, that he hailed it as establishing a principle. He (Sir Robert Inglis) asked, whether that principle did not give a very precarious existence, perhaps of some ten, or twenty, or thirty, years, to other institutions, and whether it was not sure to lead to their ultimate destruction? He would give the measure his heartfelt, earnest, and persevering resistance. It was hopeless, he feared, but he was too long accustomed to vote in minorities, and to lift up his voice in vain in defence of those objects to which he felt his attachment to be due, to be deterred in the present instance by the fears of defeat. So long as God should give him life, and health, and strength, he would oppose such measures as the present, believing in his conscience, that they tended not less to the injury of civil rights, and the destruction of the property of every man who heard him, than to the subversion of the rights of that Church which alone seems to be in question; and, above all, to the cause of Protestantism, of which that Church is the shrine in Ireland.

Sir Francis Burdett differed *toto calo* from the hon. Baronet who had just addressed the House, in the consequences he apprehended from this measure. So far from its having a tendency to weaken the ties of property, he felt assured the

tendency would be of a direct contrary character, and that by giving as he was sure it would, increased confidence to the country, it would strengthen all the ties of civilization in Ireland, and increase the value of property. But what gave him the most gratification was, that the announcement of this plan of Irish Church Reform seemed to have scared away from the hon. and learned member for Dublin that horrible legion of frightful shadows, arising from a dread of impending evils, and to have restored to him a calmer comprehension—that reason had again assumed the sway over passion—that dictation was likely to cease—and that the views of his Majesty's Ministers appeared likely to gain from him a candid interpretation, more in accordance with the acknowledged generosity of his country. He hoped all irritating feelings, arising from contrary conceptions, would be laid aside. The hon. member for Dublin knew full well how kindly he felt towards him; and that no man—no, not even himself—had a stronger feeling of affection and regard for Ireland. He hoped and trusted that the happiest consequences would result to that country from the proposed measure. It was but just and fair to the Administration, to which the hon. member for Dublin had himself given the meed of his praise, to say that they had nobly redeemed their pledges, and merited the confidence which had been reposed in them. It would be an earnest of their good intentions, and of what they meant to do; it would bind Ireland to this country by bonds stronger than any other; and would promote those good and confiding feelings, from which he augured the happiest results. He believed that this measure would do away with the necessity of putting into practice those other measures to which objections might be felt, and that it was at the same time, an earnest that if those measures were granted, and the Ministers claimed from the Parliament the grant of extraordinary powers, those powers would not be abused. This plan was deserving of support for another reason—for the confidence with which it would inspire the people of Ireland, that no measures of unnecessary severity or force would be resorted to. It would, besides, convince every one that if measures of force and extraordinary power were required, they would be placed in the hands of Ministers entitled to the confidence of the

country. They stood in a different situation from that in which any other Ministers had ever been placed, for there was now a real Ministerial responsibility. This was no longer a party and a packed House of Parliament, that was at the command of the Minister, who might come down and ask for any powers, get them when he pleased, use or abuse them at his will, and be certain of indemnity after all was over. This was a Parliament that would exercise a controlling power—would grant only what was necessary—would watch most strictly the execution of the powers it had confided, and would take care that, in all that was done, the attainment of that one object was kept in view, without which all else would be fruitless—peace. This Parliament would only consent to grant extraordinary powers to do that which the hon. and learned member for Dublin, as well as any other Member, must wish to see done—to repress violence, to punish violations of the law, to put a stop to atrocious crimes, by the commission of which the law had become no longer the shield of the innocent but the screen of the guilty. All must desire to see the system of intimidation got rid of, and honest men obeying the law without fear and without danger. He repeated that he believed this measure would tend more than any other to do away with the necessity of measures of force and coercion. He had the strongest hopes that the different parts of the United Kingdom would, by the effects of this measure, become really united. This was, in every respect, a measure which entitled the Ministry to the confidence of the people. It showed that the Administration had determined to correct the evils that had so long been pointed out; and, above all, it gained for them credit for this great merit that the measure was so well concocted, and so wisely framed as a practical measure, that it met with the approbation and unanimous support of those most likely to know the grievances it was intended to correct. It was a measure on which they must have deeply reflected, and for which the country at large would become attached to them, and would place confidence in them. At the same time he must say, that those persons who were advocates of the Established Church, and who had given their acquiescence to the measure, would not lose credit with the public for that acquiescence, but would be the more admired,

as it would show that they were really anxious to make those just concessions that the spirit of the times required. The details of this measure would be discussed when the measure itself came before the House. He believed that, in introducing it, the Ministers were doing more than any one thing could do to preserve that Union which, in his opinion, was necessary to the safety, the prosperity, and the grandeur of the empire.

Mr. *Goulburn* said, he felt under considerable embarrassment in rising to make a few observations on the outlines of the plan just presented to the House, because he was not prepared to go into the details of such a measure on the spur of the moment. He rejoiced however, that the debates on such an important subject were to be conducted in a spirit of conciliation; but the hon. Baronet could not expect that he and other Members could give up principles that were as dear to them as their lives. He had come to the House that evening prepared to expect a considerable alteration, but he imagined that this alteration would be effected in the spirit of the Report of the Tithe Committee last Session. He had been a Member of that Committee on the subject of tithes—the Report on which, and the course the examination had taken, had prefigured to him the views of the Government with regard to the Church of Ireland. On that occasion he had made his sentiments known; but, making allowance for circumstances, he had not made any objections to the Report, though on a subsequent occasion he had expressed his sentiments on the matter. To those sentiments he now adhered. He did not object to that distribution which would insure an equal remuneration to the resident clergymen—he did not object to the more general diffusion of the revenues of the Church, nor to the more general provision for Protestant Ministers throughout the country. Having concurred with some part of the Report, and on the grounds he had stated, he was much disappointed by the Motion that had now been made. If he felt it to be his duty in the different stages of the measure to canvass its necessity, or to scrutinize its details in a certain spirit of hostility, he should have no other motive but a desire for the welfare of the country. Of this he was convinced, that the Church must ultimately be one of the best means of the salvation

of the country. He regretted, therefore, most deeply that the influence of the Church should be diminished. The first principle of the measure was the destruction of more than one-half of the hierarchy of the Church of Ireland. He could understand why the noble Lord should think such and such incomes were too large; but why should he wish to withdraw from the Church its influence and power? On what principle was it that the noble Lord found that the area of Ireland was insufficient for twenty-two Bishops, or that the present number was only required in England? There was not a man who would not think that it would be an advantage to divide the area of the Bishoprics in England, so that the hierarchy might exercise an effectual and constant control over the people. In the early ages of the Church there had been always a great number of small Bishoprics, because it was always found that the duties of the higher clergy were always better performed when they had to superintend only a small space, and that was the more necessary when they were surrounded by people of different persuasions. Did the noble Lord find from the Roman Catholics themselves any authority for such a principle? Did the Catholics think that ten Bishops were sufficient for the area of Ireland? The number of Bishops in their Church was equal to that of the Church of England, so that it was evident they did not agree with the principle of the noble Lord. There was another objection to the measure. Five out of the ten Bishops were taken by the noble Lord from the Protestant part of Ireland—from that part where, even on his own principle, they ought to remain, and the people not allowed to be destitute of spiritual control. He objected to the measure with regard to the religious wants of the country. The noble Lord had said, that if there was any living in which during three years, there had been no duty performed, such living should be placed at the disposal of a certain number of Lay Commissioners, who should determine whether any other person should be appointed to it. Was there ever any proposition so monstrous? He repeated—monstrous proposition—as the noble Lord himself could not but know that such had been the state of things in Ireland since the accession of himself and his colleagues to office, that many of the most religious and exemplary clergymen

in Ireland had been compelled, under the penalty of death, to abandon their glebe residences, and fly for safety to Dublin or this country. So that if a conscientious clergyman, who might at that moment have been two years exiled by violence from his parish, were thus compelled to not return for a third year, the Protestants of Ireland were to be deprived of the very existence of a Church in his parish. In what he had said, he was actuated by no political feeling whatever. The noble Lord had stated that this measure involved no question of principle. But what did the hon. and learned member for Dublin say to it? He did not seem to agree with that observation, for he spoke of Ecclesiastical Corporations, and the House must look to see the principle carried into other Corporations. This was a measure of conciliation. Could he forget what had occurred with regard to former measures of conciliation? If he argued from past times—though he hoped that such emergencies would not again occur—yet it was possible that occasions might arise when the vigour of Parliament must again be appealed to. Then see the dangerous principle which the noble Lord's measure would establish—a principle the more dangerous from the extensive application which it admitted. Measures of coercion were necessary to the restoration of tranquillity to Ireland; yet such was the—should he call it pusillanimity?—of the Government, that they seemed afraid to propose them without some counter measure, involving a great sacrifice of existing rights and interests. If, then, the law could not be enforced against the Catholics without an injury to the Protestants, he would tell the noble Lord his measure would not stop there. Occasions must, in the course of things, again occur for restoring the empire of the law in Ireland, and if it be again necessary to conciliate the persons against whom coercive measures are directed by co-measures, sacrificing the interests of persons of another persuasion, he could assure the noble Lord that it would not be long till persons would be found to whom twelve or ten Bishops would be as obnoxious as twenty-two are at present, and who would be as eager to lay their greedy hands on the 4,000*l.* or 5,000*l.* per annum which the Bishops would have under the new system as on their present higher incomes. He trusted no Protestant Mem-

ber of that House would sanction such a doctrine, leading as it necessarily must, to the destruction of Church property in this country no less than in Ireland. He would enter more fully upon the subject when the noble Lord's measure came before them, contenting himself then with entering his protest against its principle, as destructive not only of the interests of property and the Church, and indeed civil society, in Ireland, but the interests of the Church and property in England.

Mr. *Barron*, as a Catholic Member, begged leave once for all, to enter his emphatic protest against the taunts thrown out by the learned member for the Tower Hamlets, and other hon. Members, against the Catholic Members, as violating their oaths when attempting to reduce or interfere with the temporalities of the Protestant Church. He thought that the Catholic Members had better be excluded altogether from the House, than be insulted as they had been. Such observations were most useless, to say the least of them, and he thought that they should not have been made, as they had been, by the hon. and learned Gentleman who had introduced such remarks into the discussions of the House, and that they were most indelicate when uttered by others. He begged to tell those Gentlemen, that he and those who thought with him were incapable of a breach of their oath, and he hoped there would be no repetition of imputations of that kind. He thought he had as good a right as any other man to legislate upon Church property. As an Irishman, not as a sectarian, he said, that he considered the Church as one of the greatest grievances of Ireland. He never should think of meddling with matters of doctrine in the Church of England, and if such subjects came into discussion he might think himself called upon to withdraw, but the property of the Church was, in his opinion, that of the State, and the State had a right to make what arrangements it pleased with respect to that property. The State had taken the property of the Church from the Roman Catholics, and had given it to the Protestant Establishment. The property was given by the State to the dominant religion of the State, and the State had both the right and the power thus to dispose of it. It was thus disposed of by the King, Lords, and Commons, who did what they did in a legal and constitutional manner. In his

opinion, the measure proposed by the noble Lord would strengthen the Protestant Establishment more than any other. If some such measure were not shortly passed, he believed that there would speedily be no Establishment in Ireland. The Government felt they must give way, and they had done it wisely, and moderately, and temperately; and that wisdom, and moderation, and temperance would be of use to the Church; and if the Ministry had not so acted, Church Property would have been trampled under foot by the unanimous voice of the people of Ireland. To show the feelings of the people of Ireland, he would only mention that on one occasion tithe was demanded, and the persons from whom it was claimed thought they could resist it legally. They went round to raise a subscription, and asked him among others to subscribe. He told them that the amount was small, and that the expense of resisting it would be greater than the advantage they would gain, should they succeed; but such was their determination, that they answered that they would resist, if it cost them double the amount of the tithes. In answer to the right hon. Gentleman, he only wished to observe, that in England the number of Bishops and the other parts of the Church Establishment were calculated, not by the surface of the country, but by the number of souls. Applying that rate to Ireland, the plan of the noble Lord was amply justified. It seemed to him that the noble Lord (Lord Althorp) had conferred a great boon upon the Roman Catholics, by doing away with the Church cess, and he hoped that the Measure would be unanimously supported. He was convinced that the Bill would allay bad passions, and keep down the excitement existing in Ireland, and which, according to his letters to-day, had been much increased by the nature of the King's Speech.

Lord *Ebrington*, from the interest he had always taken in this subject, was anxious to make a few observations, more especially after the speeches delivered by the two Members for the Universities of Oxford and Cambridge (Sir Robert Inglis and Mr. Goulburn). He assured them, as far as he was acquainted with the dispositions of Ministers, there was no intention to overthrow the Church Establishment of Ireland, and expressed his surprise that the hon. Baronet had departed a little from the habitual mildness of his nature,

when he indulged in such terms of vituperation against the plan of the noble Lord. He would not retort upon the hon. Baronet or upon the very few who thought with him in the same strain; but what the hon. Baronet called the integrity of the Church, he (Lord Ebrington) considered to be its spots, stains, and abuses, which not only made it an object of dislike and hatred to the Catholics, but of disgust to conscientious and religious Protestants. He spoke as a member of the Church of England—a member not indifferent to the interests of religion and yielding to none, as far as his humble efforts would go, in a desire to maintain that Establishment in its purity and completeness and integrity. But he spoke, at the same time, with a strong conviction that nothing had been more injurious to the security of the Establishment in this country—nothing more likely to expose it to fresh danger; and, if anything could do it, absolutely to overthrow it—than the attempt to bind up together the separate Churches of England and Ireland. He hailed the measure of his noble friend with cordial satisfaction, which, while it provided abundantly for the religious instruction of the Protestants, at the same time removed a great portion of abuses which had brought the Church of Ireland into odium and contempt. The hon. member for Oxford had complained that no provision was made by the noble Lord for the expansive force of Protestantism in Ireland; but he thought that the hon. Baronet was mistaken upon that point, for a power was reserved of renewing and endowing churches, should the necessity arise. To his knowledge, there were parishes in Ireland without churches, glebe-houses, or Protestant population; in such cases, the example of a Protestant minister, however unexceptionable and useful in his private character, deriving an income for the performance of no clerical duties, was highly detrimental, and nothing less than a scandal upon the Establishment. The hon. Baronet. (Sir Robert Inglis) had argued that this measure would tend to check the growth of the Protestant religion in Ireland. He believed, however, that if they looked to the history of the world they would find—what he was sure they would find in the history of Ireland—namely, that the growth of religion was not commensurate with the amount of the revenues of the clergy,

but that the converse was the fact; for, so far from Protestantism having increased, it had rather diminished in proportion to the extension of the population. The proposed measure, by reconciling the feelings of the people in general, he was satisfied would do more than the continuance of the hierarchy to its present extent, not merely to ensure the safety of the Church of Ireland, but to promote the growth of Protestantism. The hon. Baronet, the member for Westminster, had expressed a hope that the introduction of this Bill would render coercive measures in Ireland unnecessary. He wished that he could partake in so sanguine a view of the subject; but he hoped and believed, that the miscreants against whom coercive measures would be directed, were as unconnected with party feelings in the House, as with the benefits to be derived from the permanent and satisfactory settlement of the Church of Ireland. He was as unwilling as any man to grant extraordinary powers, nor would he concede them until a case of necessity was made out; but he must say, that the manner in which the present Government had thus redeemed its pledge of conciliation, kindness, and redress of grievances, was a happy earnest of the future; it afforded security, coupling it with the known reputation of the members of the Cabinet, with the character of the present Viceroy, the Marquess of Anglesey, and he must add, with the character of his right hon. friend (Mr. Stanley), to whom he was more especially anxious to pay this tribute of respect and good-will, in consequence of the manner in which he had been attacked—that the powers, if granted by Parliament, would not be abused. Nay, more, he was convinced, that Ministers would themselves be unwilling to ask or to receive them, unless a clear case were made out that it was impossible to do without them.

Mr. *Ruthven* apprehended that the measure of the noble Lord, would not, by any means have the effect anticipated on the other side of the House. As to the number of Bishops, he was of opinion that four would be adequate to the discharge of the whole duty to devolve upon the twelve, and the people of Ireland would certainly be much better satisfied with the four than with the twelve. The best part of the intended Bill was unquestionably the abolition of Church-rates, and for this he gave the noble Lord and his colleagues

all the credit they deserved. Church lands and tithes were public property, and as public property might be disposed of, and dealt with by Parliament. It was his conviction, that no religious establishment, in point of revenues or encouragement, ought to have the advantage over another, and least of all, ought any members of any establishment to be paid so liberally as to enable them to live in luxury, and to lead them away from the active discharge of their clerical duties. He considered the chief nature of the present measure merely this : that it was the preface and prelude to a more complete Reform of the Church of Ireland. As a preface and prelude it might do some good ; but the people of Ireland would not consider it final, and would not be satisfied without more. He was aware that Irish subjects were distasteful in the House, and he should, therefore, do no more at present than propose the following Amendment, on the Motion of the noble Lord :—" That it would be expedient to appoint a Committee to inquire into the state and circumstances of the Church Establishment in Ireland, inasmuch, as it appears that the Church property in that country requires revision and modification ; and that a reduction of the Church Establishment has become necessary and expedient, so as to facilitate the ultimate appropriation of its revenues to the uses of their original objects—viz. : the maintenance of the clergy, the building of churches, and places of public worship, as well as the relief of the poor ; but that, under existing circumstances, the present incumbents of parishes in Ireland are entitled to protection in the arrangement of Church property, the future regulations of which should be made upon a basis calculated to afford a proper and suitable provision for the ministry of the several congregations in the respective parishes of Ireland, and also to supply means of materially relieving the poor."

Mr. Warre did not rise to enter into the merits of the extraordinary Amendment proposed by the hon. member for Dublin, and which seemed calculated to accomplish no other purpose than to thwart the first great salutary measure of Reform and improvement in Ireland. He was prepared to see his hon. friend, the member for the University of Oxford (Sir Robert Inglis), rise as the antagonist of this proposition, but he would say, he

did not expect, and he thought, in his maturer judgment, he would hardly be prepared to have gone into the revival of the exploded idea, of its being a violation, on the part of the King, of his Coronation Oath, to give his assent to such measures as his advisers and the two Houses of Parliament might think fit to recommend, not for the destruction, but for the reformation, and, he would add, the confirmation and stability, of the Established Church. That question was so fully entered into, and so completely set at rest, while the Catholic disabilities were yet unremoved, that he did think his hon. friend ought not to come forward and obtrude it again as an argument against the measure proposed by his hon. friend, the Chancellor of the Exchequer. If, indeed, it were true, that it was a violation of the King's Coronation Oath, to assent to any measure interfering with Church property, he did not know to what extent that might not be pushed, and a bill for the restraint of pluralities, or a curate regulation bill, might be met in this way. If such a principle was to be maintained as immovable, he trusted his hon. friend would also consider that it might be pushed to the extent of becoming an absolute *veto* upon anything like a salutary Reform. If such were the opinions of his hon. friend on this question, he would refer, by way of answer, to the opinions of some venerable members of the Church itself. If such were the opinion of the hon. Baronet, it was not the opinion of some of the most distinguished and venerable members of the Church ; and he (Mr. Warre) begged particularly to refer the House to the excellent (and not less excellent because it was short, occupying only forty-two pages,) pamphlet of Archdeacon Glover. The hon. Member then read an extract from a letter to Earl Grey by the Archdeacon Glover, in which the writer, after having completely disposed of the argument in favour of the divine origin of tithes, says, in reference to Ireland : ' The anomalous situation of that long-afflicted country claims, in a religious view, all our pity—' ' in a political view, all our tenderness and indulgence. A total and entire abolition of the tithe system is imperatively demanded. The Reform, however, must not be confined to this branch only ; it must begin at the very head of the Irish Church, and descend from thence to the lowest members. The unnecessary estab-

lishment of her hierarchy—I mean on its present scale and extent—and in this term “hierarchy” I include the cathedral dignities and appointments, as well as Bishoprics, should be thoroughly sifted, and their positive usefulness and propriety fairly weighed. Whatever is not required for the interests of pure religion operates only as a positive detriment and incumbrance, which ought to be removed.’ These were the opinions of a Church dignitary, and the House would see how they accorded with the arguments of his hon. friend, and those of the right hon. member for the University of Cambridge, who spoke with such vehemence against this proposition, or, as he should rather say, against any Reform in the Irish Church. The right hon. Gentleman had, in the whole of the observations which he had thought it fitting to address to the House, declared, or, at least, pretty plainly intimated, that he should oppose himself to any plan of Church Reform, of any description whatever. That right hon. Gentleman had taken his stand upon that desperate ground, declaring that he would consent to nothing in the shape of alteration; and, certainly, nothing else could be expected from him, when the whole tenor of his parliamentary and ministerial life was considered. It was in perfect accordance with the whole tenor of his public life, and with the principles which he at all times professed, that he should oppose himself to vesting in a commission, the right of abolishing a benefice in which no duty might have been performed for the space of three years. The right hon. Gentleman, who could agree to nothing so reasonable as that proposition, could not be expected to give his consent to a proposition for reducing the number of Bishops, from twenty-two to twelve. If he differed from the right hon. Gentleman on the ground already stated, how much greater must his dissent be from the objection to the plan, which rested itself upon the assumption, that, since there were twenty-two Titular Catholic Bishops, there should, at the same time, and in the same place, be as many Protestant Bishops? Surely, there was no one in that House, or out of doors, who would pay the slightest attention to an argument which proceeded upon such a total disregard of the relative proportions of the flocks of the two classes of the clergy. Having thus briefly adverted to the senti-

ments which the House had heard from the right hon. Gentleman opposite, he should now bring his remarks to a close, by stating, that, upon the general question, then for the first time brought under their consideration, he should be sorry not to pronounce an opinion. It was his decided conviction, that the measure now propounded to the House was one fraught with the means of immediate benefit to the great body of the Irish population, and with general advantage to the empire at large. He rejoiced to see that his Majesty’s Ministers had derived experience from the lessons of history—that they had come forward with measures of improvement at the proper time, and that they were prepared to give up a part in order that they might save the whole, and were willing to make some sacrifice, in order that they might promote the well-being and the prosperity of all.

Sir Robert Peel said, he wished, in the first place, to make an observation on a point of form rather than of substance. He had considerable doubts whether it would not have been more in conformity with the practice of the House to have brought forward a proposition like this, relating to matters of religion, in a Committee of the whole House. There was a Standing Order to that effect, and, of course, the next question would be, whether the present proposition was or was not a question relating to religion. He apprehended, if, in proposing the Repeal of the Test and Corporation Acts for the purpose of admitting Dissenters to civil privileges, a noble Lord thought it a subject so intimately connected with religion that he made that proposal in Committee, the same course ought to have been pursued with the present question. He, himself, in bringing forward the Repeal of the Catholic disabilities, proposed the measure in a Committee of the whole House. Considering, then, what had been the practice of the House, he thought a proposition a part of which was the extinction of ten out of twenty-two of the Protestant bishoprics in Ireland, should have been so far considered a matter of religion as to be made in Committee. If it was intended to abolish the former practice of the House altogether, that might be an answer for the future; but the order stood the same as in the last Session, and therefore the question was, whether they should adhere to the established custom of the

House, and whether the noble Lord should not be required to make his proposition in a Committee of the whole House. With regard to the main proposition of the noble Lord, he must say that his confidence in the justice and policy of that proposition, or in the wisdom of the House, was not much confirmed by the universal acclamation with which it was received, and by the apparent determination at once, without further consideration, to adopt this plan, which was said to be fraught with benefit to Ireland. The proposal was too important to be disposed of suddenly; it involved many questions connected with the security of the Established Church, many considerations of so much importance, that hon. Gentlemen must place great confidence in their own judgment to be enabled on the instant to pronounce it full of wisdom, and recommend its immediate adoption. It was not his intention, however, to attempt to diminish the satisfaction felt by some hon. Members, but to ascertain whether he exactly understood the proposal. He understood from the noble Lord that the Tithe Composition Act of the last Session was to remain in force, and that other Acts were to be passed to further the operation of that Act, so as to enable the possessors of land to rid themselves of the annual charge of tithe and tithe composition, by commuting that charge for a payment to be made once for all. He was not sure whether the proposal made last Session for appointing diocesan corporations was to be abandoned, nor did he rightly understand what the corporation which the noble Lord intended to establish was to do.

Lord *Althorp* said, it was not quite correct to call it a corporation. Commissioners were to be appointed who would have the power of managing those matters, such as repairs and buildings, the expense of which was now defrayed by the Church cess, and the other duties which he had described would also devolve on them. Those Commissioners would not be in the nature of diocesan corporations.

Sir *Robert Peel*: Then to whom are the compositions for tithes to be paid?

Lord *Althorp*: Government meant to encourage commutation, and the proceeds would, of course, be paid to the clergy. That was a subject, however, which was not comprehended in this Bill. The Commissioners appointed under this Bill would have nothing to do with it.

Sir *Robert Peel* admitted, that it was hardly fair to ask the noble Lord to enter upon any detailed explanation of his measure at the present moment; and, in asking the question he had just put to the noble Lord, his object was rather to suggest to the House the propriety of suspending their judgment upon a measure which was imperfectly explained and little understood, than to give it at once their entire and unqualified approval. He understood the noble Lord to propose that the whole amount of revenue belonging to the United Church of England and Ireland, as it existed in Ireland, whether vested in commissioners or any other body, should be applied, at least for the present, to ecclesiastical purposes; that the payers of tithe should have the option of commuting the tithes for a fixed payment in lieu of all future demand on account of tithe; but that the whole amount of revenue, in whatever shape it existed, should be at present applied to ecclesiastical purposes. He thought it but right to state with what impression he had come down to the House, and what was the general principle upon which he was prepared to consider any proposal for altering the condition of the Established Church in Ireland. He admitted that the time was now come when the whole state of that Church must undergo an enlarged and comprehensive consideration. The time had come when it was desirable that it should undergo that consideration, not so much for the purpose of conciliating any party hostile to the Church, but for the purpose of determining whether anything could be done to add to its stability and security. He had come down prepared to consider favourably any plan which might tend to correct the abuses of the Church—such as the holding of pluralities the duties of which could not be satisfactorily discharged by the individuals holding them, or the conversion into sinecures of functions which ought to be actively discharged. He was prepared to receive, favourably, any scheme of Reform, which, whatever might be its tendency to diminish the utility of the Church as a source of patronage to Government, might tend to propagate and extend the blessings of the Protestant faith. There were many parts of Ireland in which there existed no means for the support of the Protestant clergyman. There were many districts in which there was no Church and no glebe house.

They ought to apply themselves to discover the best mode of supplying those deficiencies, whether by the means heretofore employed for the support of the Church—by a public fund set apart for that purpose, or by a tax paid by the people. He did not object to the appropriation of some portion of the revenue of the Church of Ireland to a purpose which he considered strictly ecclesiastical, and which, he believed, would tend to increase its utility. He was prepared—and he now only repeated those sentiments which he had expressed in the last Parliament—he was prepared, he repeated, to admit that he thought that no settlement of the question relating to the Church would be satisfactory and consistent with the safety and security of the Establishment, which did not involve an arrangement on the subject of Church-cess, and Vestry Rates. He thought that it would be an immense advantage to remove the Protestant Church in Ireland from contact and collision with the Catholic peasant. As the landed property of that Church was chiefly in the possession of Protestants, he saw no injustice in placing upon the Protestant holders of land in fee those charges which both law and equity imposed, and to which the Church had as much right as the landlords of Ireland had to the enjoyment of their property. Even if they should succeed in removing all complaints arising out of the exaction of tithes from the Roman Catholic tenant of the Protestant landlord, they must not suppose that their arrangements would be complete unless they also released the Roman Catholic tenant from the payment of Church-cess. Though the amount of that cess was not great, yet it would be considered a still more aggravated grievance than it was at present if it should be retained after tithes were abolished. In what way that charge should be provided for was matter of detail, but probably some arrangement might be made just towards the Church, and satisfactory to all other parties. Such were the changes with respect to the Irish Church which he was prepared to make. The noble Lord's proposal involved some matters with respect to which he entertained great doubt. The noble Lord proposed the abolition of ten out of twenty-two bishoprics in Ireland, and the House had received that proposition with very general acclamation. He

was of opinion, that before they formed a final judgment on this subject, it would be well to inquire what were the duties performed by the existing Bishops, and what would be the duties devolved on those to be retained under the new arrangement; and whether some other plan, which, while it did not entail any additional charge on the Church Revenues, strengthened the Church Establishment, might not be preferable. He was by no means prepared to decide on the instant that twenty-two Bishops were too many for Ireland. The great object he had always understood of those who contended most strenuously for Church Reform was, to separate the existing unions of five or six parishes, and by building Churches and glebe-houses in some parishes where none existed at present, to bring nearer to the Protestant population the means of attending divine worship. This he understood to be the object of the noble Lord; and by this part of his plan the duties of the Bishops would be increased. If they dissolved the unions of parishes, and built glebe-houses, they would multiply the number of the working clergy, and in like proportion, augment the duties of the Bishops. In his opinion, the circumstances of Ireland were such as made it the imperative duty of the House to require the strict performance of his duty from every Protestant clergyman there. He thought that, even for the sake of the civil interests of that country, and still more for the sake of its spiritual interests, there should be in every part of the country, where circumstances would allow, a resident Protestant clergyman. They had heard of late many complaints of the evils of absenteeism of the non-residence of landlords. The hon. member for Bolton (Colonel Torrens) had indeed declared the other night, that the more capital was sent to Ireland, the more would the evils of that country be aggravated; and he supposed it was a recognized doctrine of modern political economy, that it was a curse for a country circumstanced like Ireland to possess capital. He was ready to admit that it would be very unwise to force capital into Ireland; but if it was one of the new discoveries of political economy that the voluntary transfer of capital into Ireland would entail a curse on that country and not a blessing, he must say that his faith in the science would be greatly shaken. He

recollected that another great political economist had asserted, and demonstrated, as he imagined, by strict mathematical proof, that it was no sort of consequence to Ireland whether an Irish proprietor resided in Ireland or France—whether he spent his money, drawn from the soil and industry of Ireland, among the retail dealers of Dublin or Paris. Until the universal sense of all mankind, who were not political economists, were proved to be erroneous, he must continue to think the residence of landed proprietors an advantage to a country, and, therefore, to infer that, even in a temporal point of view, much benefit would result from the establishment of a resident clergy. He agreed with Bishop Berkeley, in thinking that an Irish Gentleman was not a worse man for wearing a black coat, and saying his prayers twice a-day; and he might add for spending his income among the people from whom he derived it. To encourage—to compel this would be a far better plan than to put the revenues of the Church into the pockets of Irish landlords, to be spent by them in any other place but their own country. He thought that every clergyman ought to be maintained in a situation consistent with the condition of a Gentleman. It was fit that he should be enabled to hold up his head in society on an equality in point of station and respectability with those to whom, in point of education and manners, he was at least equal. Any change, therefore, in the distribution of Church property ought to involve, not only a competent, but a liberal maintenance for the clergy of Ireland. One word with respect to the present condition of that clergy. He did not believe that there could be any Irishman in the House who was not impressed with the gross injustice which was at present inflicted upon the ministers of the Protestant Church in Ireland. They were willing to perform their spiritual duties, but they were prevented doing so by violence; and many there were who had commenced legal measures to recover their undoubted rights, and had abandoned them in order to prevent collision between themselves and their parishioners. He did not believe that that Reformed House would view with dissatisfaction some proposition to give them present relief out of the public funds; for it was painful to see the ministers of the Establishment dependent

for the means of existence on the eleemosynary contributions of the people of this country. He admitted the difficulties which on account of the state of society, of population, of religious differences in Ireland, attended all questions connected with the Church of Ireland; but that was only an additional reason for taking an enlarged and comprehensive, and deliberate, and dispassionate view of the state of that Church. If they multiplied the duties of the clergy—if they required from them residence in their parishes—if they severed the unions—they would, of course, multiply the duties of the Bishops, who, he understood, were to be intrusted with new powers to compel the satisfactory discharge of their functions on the part of the inferior clergy; and it was this consideration which made him doubt the policy of the proposed reduction of the number of Irish Bishops. The noble Lord had not explained whether he intended to propose any corresponding reduction in the number of the Irish Bishops who were now entitled to sit in the House of Lords. If he was about to reduce their number, that reduction involved a constitutional question of great importance, independent of Church Reform. If the number of the Irish Bishops sitting in Parliament was to remain the same, the number left in Ireland during the sitting of Parliament would be reduced from twelve to eight. These were matters of great importance, and, in common decency, the House ought to go through the forms of deliberative consideration before it pronounced an opinion on questions deeply and permanently affecting the best interests of the country. The noble Lord proposed that the Commissioners appointed under the Bill should have the power of deciding whether spiritual duties should continue to be performed in any particular parish, or be extinguished altogether. This seemed a very novel and extraordinary power to be exercised by any authority inferior to that of Parliament. He was ignorant of what qualifications or limitations were to be attached to this power. He had no wish to invite any explanation on this subject at the present moment, but he should reserve to himself the right, at a future period, of soliciting all information which might throw light on it, and of forming, by the help of that information, a judgment as to the details of the mea-

sure. The noble Lord had said nothing with respect to the lay patronage of the Church, and probably that was a subject not intended to be comprehended in this Bill. He knew not how that might be, but with respect to lay patronage, though he had no desire to interfere with that, or any other description of private property, yet he must say, that there was a condition annexed to that property which ought to be enforced—namely, that the spiritual duties connected with it should be effectually performed. There was one part of the noble Lord's speech which he had heard with great apprehension, because it appeared to him to establish a precedent by which the most dangerous inroads might be hereafter made upon the property of the Church. The noble Lord proposed to give the power to every tenant of a Bishop to possess himself in perpetuity of the land which he occupied by paying six years' purchase on the improved value of the land. [Lord Althorp intimated to the right hon. Baronet, that the tenant would also be obliged to pay the rent.] He knew that; but still he considered this to be an enormous power. If a Bishop had been moderate in the demand of rent, his tenant would have the power to possess himself of the land in perpetuity at a rent less than its value, and thus deprive the Church of part of its property. The noble Lord then said, that a portion of the proceeds of these purchases of a perpetual interest in the land by Bishops' tenants was to be considered as applicable to secular purposes—and maintained this alarming doctrine, that if any benefit was conferred on the Church by Act of Parliament, the amount of that pecuniary benefit might be applied to secular purposes. He was not surprised that that proposition was hailed with acclamation. The noble Lord had said, that he would not trouble the House with details. The noble Lord was quite right. The House was indifferent about details after the establishment of such a principle. [*Cries of "hear, hear."*] Yes, but it was the joy of those hon. Members that made him serious. It was because they acquiesced in those principles—because they considered details of so little importance—that he begged time to reflect upon and understand the plan before he received it with acclamation. The noble Lord had said, that the chief merit of the proposed plan was, that it steered

clear of all principle—that those who thought Church property might be devoted to secular purposes, and those who thought it ought to be extinguished altogether—[Lord Althorp intimated dissent.] he believed an exception was made by the noble Lord with respect to the latter party, but that those who thought Church property ought to be applied to strictly ecclesiastical purposes, under a different distribution, might shake hands, and join in approbation of this plan. He differed here from the noble Lord. If ever there was a time when the Government should have guided the public mind by pronouncing a decided opinion upon principle, it was the present. What the noble Lord considered the chief beauty of his plan he regarded as its chief defect. Though he agreed with the noble Lord in wishing to abolish the charge of Vestry cess—though he thought that no arrangement could be valuable which did not include the abolition of that levy—though he thought that a different distribution of Church property might be made if the appropriation still remained exclusively applicable to Church purposes. Though he agreed with the noble Lord upon these points, there were many others connected with his proposition upon which he totally differed from the noble Lord. He thought it necessary, for example, that the noble Lord should have told the House that he was ready to stand by the principle which the right hon. Secretary for Ireland had declared he should act upon—a principle which was necessary for the preservation of all property, corporate or individual—namely, that while all abuses were reformed, and all causes of complaint removed, the property of the Church of Ireland, though received by different hands, and subject to a different distribution, should still be kept inviolate, and applied solely to purposes connected with the Church. It was because the noble Lord had not made that declaration—because he had left the public mind in doubt and uncertainty as to the opinions of Government—nay had warranted the impression that a difference of opinion existed among his colleagues with respect to that principle—that he feared great evils would arise. To the whole plan of his Majesty's Government he should give his most serious consideration. There were parts of it which he should support, and parts to which he felt inclined to give his most

determined opposition; and he could not conclude without repeating that nothing which he had heard had given him so much pain, and excited so much apprehension, as this declaration of the noble Lord—that the King's Government was not prepared to stand by a fixed principle with respect to the exclusive appropriation of Church property to Church purposes.

Mr. *Stanley* said, that the almost unanimous concurrence of the House in the principles of the Bill proposed by his noble friend, might have rendered it unnecessary for him to trespass on the attention of the House, had it not been for one or two observations which fell from the right hon. Baronet. He also thought, that the House would feel that, on this particular question, he individually stood in a peculiar situation, which gave him a claim for a few moments to the indulgence of the House. If it had been possible, that he could have felt any regret whatever, that, having so often had the painful duty imposed on him of being the organ of Government, in bringing before the House measures affecting Ireland, not his measures alone, but of the Cabinet with which he had the honour of acting; if he could have regretted, he repeated, that having had that painful duty frequently imposed on him, it had fallen to other hands than his to have proposed a measure to the House, which had been so cordially received, as a messenger of peace and goodwill, if he could have had any personal feelings on the subject, those feelings would have been removed—exist they did not—by the manner in which his noble friend had introduced that measure, and by the gratifying reception which it had received. He hailed that reception as an omen of the happiest nature—as an omen, not only of the good wishes and kind benevolence which were manifested towards Ireland on all hands, but he hailed it also as a proof of the sound sense and calm discretion, which, he trusted, they might anticipate from this Reformed House of Commons in the discussion of great and important questions. When he saw the present liberal measure, founded on principles, to every one of which he gave his cordial, and entire, and unhesitating assent—when he saw this plan brought forward by his noble friend, and stated, at the same time, in terms of such moderation, to be fraught with such benefits, that while it delighted the advocates

of the most liberal measures, it almost disarmed the hostility of the most conservative Member of that House—he could not help hailing it as a happy omen of the temper in which, hereafter, questions of the deepest interest would be discussed; and, as a vindication of the anticipation of those who said, that by a Parliament representing the sense of the people, no dangerous innovations and no headlong measures would be countenanced. Such a Parliament would do justice—ample justice. It would give Reform, and a large Reform; but it would not give that which would be dangerous to the happiness of the country at large. He had never shrunk from the responsibility which attached to the various measures, which it had fallen to his lot to propose to the House, and with respect to which he had often to bear more than his individual share of responsibility; and it was with feelings of deep gratification that he now stood forward, and declared his unqualified adherence to the principles and details of the present measure. He never would consent to any measure which he thought in his conscience and judgment would destroy or injure the Protestant Church in Ireland, or would interfere with the extension of the Protestant religion, which, on political as well as religious grounds, he was anxious to see extended and prosper; and he gave his support to the present measure because he was convinced that, instead of weakening, it would tend to strengthen the Protestant ascendancy—he used not these words in their odious signification; but he meant that this measure would tend to the maintenance of the Protestant religion, the extension of Protestant feeling, and the creation of good will between Catholic and Protestant. He rejoiced that the present measure had met with the approbation of many who might have been expected to dissent from it; and he could not agree with the right hon. Baronet who had just sat down, that because the hon. and learned member for Dublin, with whom he had fought many battles, and with whom, perhaps, he had yet many more to fight, had given his cordial and hearty concurrence to the measure, his assent made the measure bad, and called upon the House to regard it with suspicion. He admitted the measure ought to receive full consideration before it met with the assent of the House; but he could not agree with the right

hon. Baronet that it was such a measure as ought to have been introduced through the medium of a Committee of the whole House. If he was not misinformed, three or four measures had been introduced by the right hon. Baronet, of nearly the same character as the present, without the intervention of a Committee. In 1824, the right hon. member for Cambridge introduced the Tithe Composition Act; in 1826 the Vestry Bill, and afterwards the Pluralities Bill and the Curates Bill, all of which related to the temporalities of the Church, without going through the ordeal of a Committee in the first instance. It was undoubtedly true that the Test and Corporation Act and the Roman Catholic Relief Bill were introduced through a Committee of the House; but they related to matters involving questions of faith in religion, and what oaths were necessary to be taken by particular persons as a security to the State. But, in whatever way the Bill had been introduced, it would, of course, be subject to the fullest discussion. The right hon. Baronet had stated, that he did not object to a new appropriation of the revenues of the Church. He went still further, for he had stated that the time had come when the Church could not stand as it was; that its own security required a different distribution of its revenue; and that no arrangement would be satisfactory to the country which did not include a different mode of providing for Vestry-cess in Ireland. The nature of that cess was entirely different from tithes; and it was impossible to apply the same principles to both. They were all agreed that a different arrangement in the distribution of Church property was necessary. ["No, no."] He begged the hon. Member's pardon (Sir Robert Inglis); he did not hope to convince the hon. Member; but it was the general opinion, that, for the sake of the tranquillity and good order of the country, a different distribution of Church property should be made; for let it be understood that the mode in which the money was collected, in many cases, was more annoying to the Catholics than the mere burthen of the amount collected. Would the House allow him, in order to show that this was no new opinion of his taken up for the moment, or different from that which he had already expressed, to read an extract from the Report of the Committee of that House on tithes, which sat

last year—a report for which he had incurred no slight blame. The right hon. Gentleman here read an extract, which described the general odium in which the collection of the Church-cess was held in Ireland. The Report then went to state that without entering into the abstract question of the appropriation of any Church property, it recommended a new valuation of all benefices, for the purpose of laying a tax of fifteen per cent., to be paid to the Board of First Fruits, on a fixed valuation of the livings, which was to go to the payment of the Church-rates. On that principle (the right hon. Gentleman continued), in which the right hon. Baronet (Sir R. Peel), and several other hon. Members on the other side, had expressed their concurrence, did the measure now before the House proceed; and he should be prepared at another and more fit occasion, when the details of the measure should be more fully gone into, to show that this was the proper and legitimate mode of proceeding. But the right hon. Baronet said, and so far he went with the proposed Bill, that we should provide for the residence of the clergy, and for their decent and suitable maintenance, so as to ensure the residence on their livings of an efficient body of clergy in Ireland. In all this he fully concurred, for it was in fact to be a part of the measure which was about to be submitted. He would now come to the diminution of the number of Bishops in Ireland. On this part the right hon. Baronet had expressed a doubt, but he (Mr. Stanley) would not argue against a doubt; but beyond that doubt the right hon. Baronet did not go to the principle of the measure. The difference was not here as to the application of the funds of the Church. On this point they had the consent of a large number of the clergy of Ireland. He had been in communication with very many of that body, of many high in the Church, and he felt bound to say, that he had on all occasions found it less difficult to enter into arrangements with them, on matters requiring a sacrifice of their own immediate interests, than on those which affected the rights of their successors. Many of them had said, "Rather tax us if you will—we are ready to bear it—we even think it would be for our advantage, but we are unwilling that you should do any thing to affect the rights of our successors and those for whom we hold." This he believed was the

general feeling among the clergy, and therefore he did not think that as a body they would be found opposed to the measures then before the House. With respect to the number of Bishoprics, he should, at the proper time, be able to show, that neither in the extent of the dioceses, nor in the number of clergy under their jurisdiction, would the duties of the remaining Bishops be greater than they would be able to superintend. The last point to which the right hon. Baronet had adverted, was the arrangement proposed as to Bishops' leases, and as there was some misapprehension in the House on this point, he would, at the hazard of being tedious, re-state what his noble friend had said on this point. In the first place, the same principle was intended to apply as in the case of the inferior clergy, where a fixed and permanent composition was to be made for tithe. It was intended to give to the tenantry the full amount of the value of their capital and skill employed on the land held under such leases, subject only to the varying price of corn, for the permanent rent. The leases were, as was well known, held for twenty-one years, beyond which the Bishops could not grant a lease. The lease was renewed from year to year, subject to a fine, which fine constituted the chief part of the Bishop's income. It was only a few years ago that an arrangement was proposed, which tended to give greater security to this kind of property, though it was somewhat different from the one now before the House, yet both led to the same result. On the one hand, the Bishop would be afraid of losing the benefits of his See by refusing to renew the lease; and on the other, a young Bishop who might be disposed to run his life against the lease, might leave himself without sufficient means of supporting his station. Or the tenant, by refusing to take a renewal, might deprive the See of the revenue for his term. All these inconveniences would be prevented by the plan now before the House. The whole revenue was calculated at 100,000*l.* a-year, and here the right hon. Baronet (Sir R. Peel) took an erroneous view of the case, when he said, that if the Bishop had given the lease at a low rent, an advantage would be gained by the tenant, who would, in purchasing the permanent possession, have it at a rate of purchase for the average rent of six years; but if the Bishop had let it at a low rent, his amount

of fine was greater in proportion. But this would make no difference to the Bishop. The hon. Baronet (Sir R. Inglis) doubted this; but he ought to know that the value of this property was regularly calculated by fixed tables, and the average of the fine was one-fifth of the beneficial interest of the tenant. There had been many instances of Bishops running their lives against leases, but they were in general found injurious to the tenant, and not always to the advantage of the party who so ran his life, though they might be of some immediate profit to his successor. What was the plan now proposed? It was, that the land should be valued at a certain corn rent, and that neither the tenant nor the Bishop should be at liberty to refuse that valuation. But to whom was to belong the benefit of the increased value thus derived from the land? He would say, it ought to belong to the State. He said this without in any degree weakening the proposition that the property of the Church should not be diverted to other purposes than those for which it had usually been applied. But why did he say that the value was to be given to the State? What was the value of Church property? By the conditions which the State had annexed to it, it could not be leased for a longer term than twenty-one years, subject to this condition: if it were brought into the market it brought a certain amount of purchase money. But a new mode of dealing with it gave it an increased value. What right, then, he asked, had the Church to claim that increased value, which it never had, and never could have, unless the State had passed an Act to give it to it? It had no right; and the difference between the former value and the increased value might, he contended, be applied to secular purposes, or to any purpose that the State might direct, without any violation of the property of the Church. But then the right hon. Baronet objected that the Bill in this view went on no principle at all, and he further added, that there was no agreement in the Cabinet on the abstract question of the right of the State to dispose of the property of the Church. Where, he would ask, could fifteen men be found, who, though they might agree upon general measures, should also be found to concur in a number of abstract questions, arising out of or connected with many of them? It was no objection to the Cabinet

to say, that they differed, if they did so, upon an abstract point, if they were agreed upon practicable and efficient measures. If they all concurred in submitting such measures to the House, the House had no right to call on them to know whether they also agreed on some abstract question which was not in any way involved in those measures. They were not, therefore, he contended, bound to enter into any such discussion here. The measure which they submitted was one of relief from a burthen which was found oppressive; it was one which the best friends of the Church thought would be not only a relief to the great mass of the people of Ireland, but also a great advantage to the Church itself, and on such a question he thought it was no valid objection to it, that those who proposed it were not agreed on some abstract question, which, he repeated, was not at all involved in it. It was, he repeated, a practical measure—a measure of conciliation—a measure which would, he hoped, prove not only one which would unite Protestant and Catholic in bonds of closer union, but which would serve more closely to unite England and Ireland. He would, before he sat down, say one word as to himself. He had been supposed to be—he had been charged with being—an enemy to Ireland. God knew, and those who were best acquainted with his feelings and wishes could bear testimony, that no charge could have less foundation in fact. He had never had, in any one of his acts, public or private, which related to Ireland, any other object than the benefit of that country. He had, not only in his political life, but before that political life had commenced, the good of Ireland most sincerely at heart. Long before his political life had commenced he felt that, having connexions with that country, he owed to it duties which he considered himself bound to discharge. He had long felt the evils which absenteeism had brought upon that country, and he thought, that, from his connexion with the country, he ought not to swell the number; he therefore built there, for the purpose of at least a partial residence in it. He had resided there one year before his official connexion with its Government, and during that time he had, he was proud to say, received proofs of affectionate attachment, and, he might add, of gratitude, from some of its peasantry, which never would be absent from

his mind. One great—he would say the main object, of desiring a connexion with the Government of Ireland was, that it would afford him the opportunity of doing it good. In his endeavours to attain that great object he might have failed—he might have exposed himself to misunderstanding and to ill-will from one side and the other, but, notwithstanding that, he now solemnly declared that he did not, and had never entertained any ill feeling towards any one of those who had crossed his path, or endeavoured to obstruct his measures. He might, he repeated, not have given the satisfaction to one side or the other which he could have wished—he might have failed in accomplishing the good which he had intended—but that should not hinder him from devoting himself to what he had reason to believe would serve Ireland. It was in this feeling that he should give his cordial support to the measure before the House, a support that he would not give to any measure of which he did not fully approve in all its parts. He thanked the House for its indulgence, and felt obliged for its having allowed him, in a question of such vast importance, to intrude on their attention so insignificant a subject as one relating to himself.

Mr. Shaw said, he was persuaded that he should best consult the feelings of the House at that hour and the then stage of the proceedings, by not entering into the various objections which occurred to his mind to the measure proposed by the noble Lord. He wished, however, to guard himself from any supposed acquiescence in it, and to reserve to himself the right, at a more fitting opportunity, of opposing the principle as well as the details of the measure. He feared the noble Lord had introduced a principle of innovation, which he would find it difficult to restrain, and he protested against the doctrine of the noble Lord and the right hon. Secretary—that when the Legislature, by a measure of improvement, added new value to property, the fruits of that improvement were not to be enjoyed by the proprietor; that would, in fact, be to improve with one hand, and confiscate with the other. He lamented that the noble Lord, the member for Devonshire (Lord Ebrington), who usually supported his Majesty's Ministers, should, at the very moment that his Majesty thought it necessary to ask for additional powers to maintain the

Legislative Union, repudiate one of its fundamental articles by declaring that the interests of the two Churches were not united. He also regretted that that measure had taken precedence of the more urgent ones that formed the prominent topic of the Speech from the Throne. ["Hear, hear," from Mr. O'Connell.] He (Mr. Shaw) understood that cheer, and suspected that the altered tone of the hon. and learned member for Dublin towards his Majesty's Government, might be intended to have an effect upon the measures to which he alluded. He thought the authority of the law should have been vindicated before an unavailing sacrifice was made to appease those who were systematically violating it.

Sir *Richard Keane* begged to express to his Majesty's Ministers his unmixed delight and unfeigned gratitude for the measure which they had that night proposed for the consideration of Parliament—a measure of a healing and wholesome nature, which would secure the confidence and gratitude of the Irish people, and serve as the keystone of peace and good order throughout Ireland. In this age of transition in which we lived, was it right, or just, that England, ascending to the summit of prosperity with happy and moral Scotland in her train, should leave Ireland to grovel at the bottom. He hailed with satisfaction the salutary interposition of the Government. A perseverance in a similar policy would convert Ireland into a tower of strength. Such just and generous policy was worthy of his Majesty's Councils, and becoming this great country, renowned in arts and arms, and, he might be allowed to add, grown *Grey* in State Affairs.

Mr. *O'Reilly*, as a Catholic Representative of Ireland, also expressed his satisfaction at the measures proposed by Government. He could not sit quiet and hear an Amendment proposed to what he was sure would be hailed with such pleasure by those for whose benefit it was intended. He was anxious that it should be received there in the same conciliatory spirit that he knew it would be at the other side of the water, and, therefore, he begged that the hon. member for Dublin (Mr. *Ruthven*) would withdraw his Amendment.

Mr. *Ruthven* then said, that he did not mean to trouble the House by pressing his Amendment to a division. He would not

withdraw the Amendment, but he merely wished to have it recorded on the Journals of the House.

Amendment negatived. Motion agreed to.

HOUSE OF COMMONS, Wednesday, February 13, 1833.

MINUTES.] Papers ordered. On the Motion of Mr. *HUME*, a List of all Sinecure Offices in England, Scotland, and Ireland, held for one or more Lives.—On the Motion of Mr. *O'CONNELL*, the Number of Electors Registered in Ireland at the last Election, with the Nature of their Qualification, and the Number of Electors who Polled.—On the Motion of Mr. *WARRE*, a List of all Vessels belonging to the Royal Navy lost through Shipwreck, since January 1st, 1816.

Bill. Read a first time:—On the Motion of Mr. *RIGBY WASON*, for holding the Summer Assizes for the County of Suffolk every year at Ipswich.

Petitions presented. By Captain *YORKE*, from the Licensed Victuallers of the City of Ely, for diminishing the Expenses of their Licenses.—By Mr. *SHAW*, from London; and by Mr. *ESTCOURT*, from Tetbury, for the Better Observance of the Sabbath.—By Mr. *FERGUS O'CONNOR*, from Aglis, for the total Extinction of Tithes.—By Sir *GEORGE CAYLEY*, from Scarborough, to enable the Inhabitants to choose their own Magistrates.—By Mr. *JAMES OSWALD*, from Glasgow, for a Repeal of the Duty on Soap.—By Mr. *PELHAM*, from Coningsby, against Slavery.—By Mr. *FENTON*, from Rochdale, for a Repeal of the Duties on Malt, Hops, and Soap, and the Abolition of Tithes.—By Sir *J. E. WILMOT*, from Atherstone, for an Alteration in the System of Poor Laws.—By Mr. *PLUMTREE*, from Wingham, Kent, against the Practice of Nocturnal Legislation.

HOUSE AND WINDOW TAXES.] Sir *Francis Burdett* presented a Petition from St. Anne, Westminster, for the repeal of the House and Window Tax.

Sir *John Hobhouse* supported the prayer of the Petition, and hoped his Majesty's Ministers, if consistent with their duty, would attend to this Petition, and all others of the same kind.

Sir *Matthew White Ridley* said, the feeling in favour of the repeal of these taxes was as prevalent throughout the country as in London.

Mr. *Cobbett* said, that, in his opinion, these taxes did not press so heavily as some others; they were, however, most odious taxes, on account of the inequality with which they were levied, and the partiality of their operation. The great complaint of the people of England was, that the taxes were paid by the industrious part of the population, and received by those who did not work.

An *Hon. Member* hoped, that the Ministers would not merely repeal the House and Window-taxes, but the whole of the Assessed-taxes; the other taxes would be very small, and the levying them

would be most annoying. These taxes were evaded by the wealthy, and the great burthen thrown on the poor.

General Palmer presented a Petition from the parishes of St. Peter and St. Paul, in the city of Bath, for the Repeal of the House and Window Taxes. The hon. Member also presented another Petition to the same effect from Walcot, in the county of Somerset.

Mr. *Gore Langton* hoped that his Majesty's Ministers would take the prayer of the petition into their consideration; and that they would also, with a view to some alteration in taxation, take generally into their consideration the distressed state of the country. The people were really, and not nominally, dying of starvation.

Mr. *Kemys Tynte* said, that as one of the Members of the western division of Somersetshire, he had been requested to support this petition. He knew that in no city in the kingdom were those taxes more oppressive than in Bath.

An *Hon. Member* said, that was certainly the case, and supported the prayer of the petition.

Mr. *Roebuck* supported the prayer of this petition; for it must be apparent to those who gave the subject proper consideration, that the Assessed-taxes pressed heavily on those who were least able to bear the burthen. The rent of the poor man bore a much greater proportion to his expenses, than the rent of the rich man did to his; therefore to assess the poor man, with reference to his rent, was most unjust and unfair—more particularly as such a system must be oppressive, in the extreme, to a large body of the people. He would respectfully beg every hon. Gentleman to look to this question, and to give the subject his best consideration. The Assessed-taxes were prejudicial in many ways; the Window-tax was particularly so to the health of the poorer classes; for they were compelled, in many instances, to shut out, not only the light of Heaven, but were also prevented from having a sufficient current of air, in times when fresh air was absolutely necessary to the preservation of health. Not only these, but other oppressive taxes ought to be done away with, when they were detrimental to the health of the people.

CHURCH PROPERTY.] Mr. *Harvey* stated, that a series of questions, intended to be put to the principal clergy of the Es-

tablished Church, and to others possessing Church Property, had been drawn up with great propriety by the Commissioners of Ecclesiastical inquiry. One question, however, had been omitted, the answer to which, if such a question had been propounded, the noble Lord would see would have been most important. To remedy that defect, he should move, that an humble Address be presented to the Crown, praying that his Majesty would be pleased to direct the Ecclesiastical Commissioners to ascertain the localities of all Church Property, the amount of rent paid thereon (other than rack-rent), the probable number of acres in each place, and the actual annual value thereof.

Lord *Althorp* said, that he did not think that this was a return at all called for at present, while the production of it would throw a considerable impediment in the way of the conclusion of the labours of the Ecclesiastical Commissioners. He understood the object of the hon. Gentleman's Motion, if object it had, to be, that the Commissioners should inquire into the value of Church Property, not merely with a view to ascertain its amount, as applicable to the support of the Church, but also to ascertain the amount of that property that was applicable to the support of private individuals. Now, it appeared to him that it was not at all necessary to have such a return. Besides, the hon. Gentleman's Motion certainly did not apply to the motion which had been before the House last night, for, as he understood it, the hon. Gentleman's Motion applied solely to England, and had no reference whatever to Ireland. Where, he would ask, was the necessity for the Ecclesiastical Commissioners going into a complete valuation of all the Church lands in England, which they must do in order to comply with the terms of the hon. Gentleman's Motion? What object would be gained by their going into an inquiry so extremely operose, and so utterly unnecessary? Such a return, in the end, would prove nothing with regard to the revenues of the Church; it would only show what fines were imposed upon the renewal of leases for Church Property, and what sums were given for long leases of such property. Was it necessary for such a purpose that they should go into a valuation of all the Ecclesiastical lands in the kingdom? Such an inquiry would not put that information into the hands of

hon. Members which it would be desirable for them to obtain, at the same time it would occasion a great deal of trouble, and give rise to a large expenditure. He should, upon these grounds, oppose the hon. Gentleman's Motion.

Lord *Stormont* wished to know from the noble Lord what he meant by those words in his Speech last night, which had been just referred to by the hon. member for Colchester, where he spoke of the proceeds that would be derived from letting out ecclesiastical lands in Ireland in perpetuity? Did the noble Lord mean that such proceeds should be devoted to ecclesiastical purposes or not?

Lord *Althorp* said, that in the statement which he last night made upon the subject referred to, and which had been repeated on the same occasion by his right hon. friend, the Secretary for Ireland, he meant to say this—that in his opinion all the sums of money that would be derivable from the increased value of the land occasioned by the mode of purchasing leases of Church Property in perpetuity that should be devised by Parliament, ought not to be considered Church Property, and that therefore, without infringing upon, or at all bringing into question, the principle, with regard to which he was aware that great difference of opinion existed,—namely, the principle of the applicability of Church Property to state purposes—he thought that the proceeds to which he had alluded should be considered as State Property, and applicable to such purposes as to Parliament should seem fit.

Mr. *Harland* asked whether it was intended to diminish the number of the Irish Ecclesiastical Representative Peers in the House of Lords?

Lord *Althorp* said, that it was not his intention to propose a diminution in the number of the Irish Bishops in the House of Lords. While he was upon his legs, he would remind hon. Members that it would be a much more convenient and satisfactory course for them to put such questions to him, in reference to the details of the measure, when they were in Committee upon it.

Mr. *Hume* said, that he wished to put a question on this subject to the hon. member for Staffordshire, who, he believed, was one of the members of the Ecclesiastical Commission. He wished to know from him whether any of their inquiries

had been directed to the objects which this motion had in view? No man could doubt, that if the Church of England was to come under the consideration of that House, as it was tolerably certain that it would, and that at no distant period—no man, he repeated, could doubt, if that should be the case, that it would be most desirable that the House should be put in possession of the most accurate and detailed information with regard to the amount and the value of the property belonging to the Church of England. Such was the object of his hon. friend's present Motion, and it was most desirable, that the information to which it referred should be obtained. A return of this description was absolutely necessary, so contradictory were the opinions that were at present entertained with regard to the amount of Church Property. While some held that the Church Property would not be sufficient to pay all the clergy, he knew that it was held by others that the whole of the Church Property vested in the Bishops alone was more than sufficient to pay all the clergy. Suppose if that property which was derived by Bishops from the fines upon the renewal of leases, &c., should, instead of amounting to 1,000,000*l.*, as was stated by some, amount to 10,000,000*l.*, as was asserted by others, he (Mr. Hume) would put it to the noble Lord, if an amount so extravagantly great was required, as a remuneration for the duties which they performed, and if the greater portion of it should not become the property of the State? He would submit to the noble Lord that nothing was more desirable than that the House should obtain the fullest and the best information on this subject. Indeed, if he wanted to find a reason for supporting his hon. friend's Motion, he could not find a better one than that stated by the noble Lord himself in his Speech last night with regard to the Church of Ireland—namely, “that greater exaggerations existed upon that point (the amount of the revenues of the Irish Church) than upon any other political topic that had ever come under his (Lord Althorp's) consideration; and that he confessed, until he had looked into the subject himself, he had exaggerated even to himself the amount of the revenues of the Irish Established Church.” Was it not equally necessary, in case similar exaggerations existed with reference to the Church reve-

nues in England, that accurate information should be afforded to the House and the country upon the subject? If the Ecclesiastical Commissioners could afford them the information in question, it would be most desirable to obtain it from them. Of this he was well satisfied—that, in one way or another, this information must be obtained; but it would be more desirable to have it afforded through such a quarter.

Mr. *Littleton* said, that having been referred to by his hon. friend as one of the Ecclesiastical Commissioners, he had no hesitation in stating, that the inquiries made by the Commissioners with regard to the Church Property in the hands of bishops would not furnish the information respecting the value of Church Property, as contemplated by the Motion now before the House; and he rather apprehended that the conclusion of the labours of the Commission would be materially delayed if the Commissioners should be obliged to go into the inquiries proposed by the hon. member for Colchester. He would state, that the fullest possible information had been afforded by the Prelates in reply to the inquiries of the Commissioners; that, indeed, no individuals could have exhibited a more anxious desire to communicate every possible information with regard to it; and this he was justified in saying of the Commissioners—that they had pursued their inquiries with as much diligence, and with as great a solicitude to arrive at the truth, as if the Commission had been composed of the most thorough-going Reformers in that House.

Mr. *Harvey* said, that he did not apprehend that much delay would be caused in bringing the labours of the Commissioners to a close by calling upon them to produce the information which he now sought for by the present Motion. That such information should be possessed by the House he did not suppose would be denied, and he thought it would be as readily conceded that this was the proper period for obtaining it, when, as he supposed, they were about to make a searching reform into the Church Establishment of this country, as well as into the Church Establishment of Ireland. Sooner or later, such information must be laid before Parliament, and the only question was, when they were to have it. If the report of the Ecclesiastical Commissioners was ready, it might be presented, and this information could be supplied in a supplementary re-

port, which it would not take them much more than a month to make out. On account of what had fallen from the noble Lord, he (Mr. Harvey) would not press this Motion to a division upon the present occasion, but he would withdraw it for the purpose of giving notice of it for that day week, when he would certainly take the sense of the House upon it.

Motion withdrawn.

NAVAL OFFICERS HOLDING SEATS IN PARLIAMENT.] The Marquess of *Chandos* said, that in consequence of the publication in yesterday's papers of a correspondence which had taken place between a gallant friend of his and the First Lord of the Admiralty, in which that right hon. Gentleman had thought fit to refuse the command at Portsmouth to the gallant officer in question, assigning as his reason for so doing, that he considered a seat in Parliament inconsistent with the holding of such a situation, he wished to put a question to the first Lord of the Admiralty on the subject. He wished to know from the right hon. Gentleman, whether there existed any order of the Admiralty that precluded any naval officer holding a command from having at the same time a seat in Parliament; and, if so, whether such an order was not equally applicable to a gallant officer, a Member of that House, who had at present his flag in the river, and also to another gallant Member of that House, whose frigate was at present abroad, with an acting officer on board, as well as to his gallant friend, the member for Lymington? If there was not such an order of the Admiralty Board, he thought it rather hard that because a respectable body of constituents had elected his gallant friend as their representative, his gallant friend should, on that account, be refused the command at Portsmouth.

Sir *James Graham*, in reply to the question of the noble Marquess, had no hesitation in saying, that there was no order of the Admiralty Board, disqualifying naval officers who happened to be Members of that House from holding naval commands; but, at the same time, he did not suppose that it would be disputed that a discretion was vested in the Commissioners of the Admiralty as to the individuals whom they should select for the approbation of his Majesty to be appointed to situations with which great public duties were connected,

He, conceiving that the discharge of the hon. Baronet's duties as a Member of Parliament would be inconsistent with the discharge of his duties as the officer holding the command at Portsmouth, certainly refused to lay his name before his Majesty for that situation; and if the noble Marquess had any fault to find with him for so doing, he could bring the matter in the shape of a substantive motion before the House. It was for the noble Marquess to consider whether such a course would be consistent with his duty as a Member of Parliament, and whether there had been anything in this instance, in the exercise of that discretion which was vested in the Commissioners of the Admiralty, to call for the interference of that House. With regard to the two cases of other officers mentioned by the noble Marquess, he had to state that in the instance of the first of them—namely, that of the gallant officer, a Member of that House, whose flag was at present in the river—the noble Marquess was perfectly right. In the second case he believed that the noble Marquess referred to the frigate *Stag*. He begged to state that in that instance the noble Marquess was in error, for the officer commanding that frigate at the present moment was not a Member of that House. Now, as to the gallant Admiral whose flag was in the river, he (Sir J. Graham) was sure that the House would at once perceive the difference that there was between removing an officer from a command because he happened to have been chosen by a body of constituents as their Representative in that House, and the selecting an officer who was a Member of that House to fill a high naval situation, where a constant residence on the spot was absolutely indispensable for the proper discharge of the duties connected with it.

Subject dropped.

CHURCH OF IRELAND.] Mr. O'Connell said, that upon the Motion of the right hon. member for Cambridge, a return had been last night ordered "of all benefices in Ireland in which divine service, according to the forms of the United Churches of England and Ireland has not been celebrated within the three years ending the 12th of February, 1833." Now, as benefices frequently consisted of two or more parishes in Ireland, he (Mr. O'Connell) would move for an amended

return, by moving for a return of "all the parishes in Ireland" in which divine service had been celebrated within the period specified, so as to obtain that information which it was desirable the House should have upon the subject.

Mr. Goulburn said, that such a return would afford a most fallacious species of information, as in the case of two united parishes attached to one benefice divine service could be only performed in one of them, though the parishioners of both parishes had the means of attending it. As he understood the proposition of the noble Lord last night, it was that where, in the instance of a benefice, no duty had been performed during the last three years, it would be in the power of certain Commissioners to suspend the appointment to such benefice, and it was for the purpose of obtaining accurate information upon that point that he (Mr. Goulburn) had moved for the return that was ordered. He did not understand the noble Lord to apply his proposition to parishes.

Mr. O'Connell said, that the result of the two returns being made would be, that they would have correct information both as to the performance of duty in the benefices and in the different parishes. He knew, himself, of one benefice which was more than twenty-six miles in extent. There were about sixty Protestants in the parish at the extreme point of it, and in the other parish of which it consisted there was neither a Protestant nor a Protestant Church.

Lord Althorp said, that his proposition certainly applied to benefices, and not to parishes, and there could be no doubt that where two or three parishes were united under one benefice, divine service might be, as he believed was usually the case, only performed in one of them; therefore it did appear to him that the return moved for by the learned Gentleman would give a fallacious view of the case. There might certainly occur extreme cases, such as that which the hon. and learned Gentleman had just mentioned, but the return he had moved for would not point out such cases, while it would enumerate parishes in which divine service had not been performed, though the parishioners might have had full means of attending divine service in the parishes united to them.

Mr. O'Connell would withdraw his Motion for the present, for the purpose of

shaping it in such a way as that the information which he desired should be laid before the House.

STANDING ORDERS—COMMITTEES.] On the Motion of Lord Althorp, the Order of the Day for the Adjourned Debate upon the Grand Committee upon religion was then read.

Lord *Althorp* said, that he had postponed the Standing Orders with regard to the Committees upon religion, privileges, &c., for the purpose of taking the sense of the House, as to appointing them. That appointment had been hitherto a matter of course; but if the sense of the House should be now against it, he should not press it. Indeed, those Committees, of whatever use they might have been of at a former period, had long since become altogether unnecessary. For instance, in a case of privilege, every one was aware that the usual and the better course was, to refer it to a Select Committee, rather than to the Standing Committee of Privileges, which consisted of almost all the Members of that House; he should therefore withdraw his Motion for the appointment of those Committees.

The Speaker then proceeded to read the Standing Orders against the interference of peers at elections, against bribery, &c.

Mr. *Harvey* thought it would be well to retain such a Standing Committee as that upon public justice. To such a Committee the case of the Baron de Bode, which had been so often ineffectually brought before the House, might be very properly referred, as it was impossible for the Members of that House, without due inquiry and without official knowledge on the subject, to do justice in cases of that description.

Lord *Althorp* said, that the Committee upon justice was like the others, a mere nominal one, and equally unnecessary. He agreed with the hon. Member, that it would be better to refer cases of the description he spoke of to a Committee, than to the whole House, but the best way to do that was always to move the appointment of a Select Committee for the purpose. Who, for instance, would move that a case of privilege should be referred to the Standing Committee of Privileges, which was, in reality, the whole House, with this difference, that instead of meeting in that place, it met in the long

gallery, so as to increase the confusion and difficulty attendant upon their coming to a conclusion? No case could be referred to one of those Standing Committees without such motion; and it therefore appeared to him that the end in view would be equally well obtained by referring a subject of this sort to a Select Committee, as by retaining the Standing Committee.

Mr. *Baring* had witnessed most improper proceedings on former occasions, when persons interested in any subject brought it forward, and then, as a matter of course, named the members of their own Committee, in which case either the partial proceeding had to be permitted, or the nominated Committee to be swamped by the addition of a dozen other names. As Reform was so much the fashion, he hoped that the House, looking with proper jealousy to any attempt to render it a tribunal for personal purposes, would take some means of rectifying the abuse of which he complained.

Mr. *Littleton* perfectly agreed with the hon. member for Essex, that nothing could be more detrimental to the public interests, than the bringing forward cases of alleged grievance, which had no foundation in fact. With respect, however, to the particular case to which the hon. Member referred, towards the conclusion of his observations, he (Mr. Littleton) should be prepared, when the proper time arrived, to prove that it was a fit one for the consideration of the House. If the House were to adopt the hon. Member's proposition, of referring all cases of personal grievance to a general Committee of Justice, the practice would be attended with most pernicious results. This Committee was originally the creation of violent times, when the House of Commons aimed at usurping all the powers of the State. This Committee obtained petitions from all parts of the country, setting forth grievances of all descriptions; and by this means succeeded in exciting a hostile feeling against the Government, which led to the Revolution. The time was past in which such dangerous machinery was necessary. If it should go forth to the world that this House had instituted a Committee of Justice to which all complaints could be referred, not a petty sessions throughout the country would pass without some attorney recommending a petition to be sent to the House. If the hon. Member

would look over the Journals, he would find that, during a long course of time, there had been only a solitary instance of a reference to the Committee of Justice, and that appeared to have been made with respect to a case which would more properly have been referred to a Special Committee.

Mr. *Goulburn*, although he denied, that the Revolution had been at all brought about by the Standing Committees, agreed with his hon. friend that they might be advantageously abolished. In allusion to what had fallen from the hon. member for Essex, he observed that the Orders of the House interposed a sufficient bar against the abuse of which the hon. Gentleman complained. By those Orders no claim of a pecuniary nature could be received without the recommendation of an Officer of the Crown. When he (Mr. *Goulburn*) was in office, he had always acted on that principle; and he thought that any Officer of the Crown who neglected to do so was guilty of a breach of duty, in not withholding his recommendation, unless he was satisfied that the claim was a just one.

The Order for the Appointment of the Standing Committees was then negatived.

Lord *Althorp* moved the following Order: "That if it shall appear that any person hath procured himself to be elected or returned a Member of this House, or endeavoured so to be, by bribery, or any other corrupt practices, this House will proceed with the utmost severity against such person."

Mr. *O'Connell* proposed two alterations in this Order. As it now stood the vengeance of the House was threatened only against the Member who might have attempted to procure his return by bribery. This denunciation was too limited. Not only the Member, but all other persons who had acted in this manner, and to such an end, should be punished. His object was two-fold—namely, to punish persons who had bribed for unsuccessful candidates, as well as those who had bribed for Members that had been returned. The alterations he meant to propose would meet both these cases. He, therefore, moved first, that the words "procured himself to be" be omitted, and the word "been" inserted in their place; and secondly, that the concluding words "such person" be omitted, and the words "all such persons as have been wilfully concerned in such bribery,

or other corrupt practices," substituted in their place.

Lord *John Russell* said, the expressions, which the hon. and learned Member would introduce into the Resolution, were not so decisive as those already contained in it; and they would give rise to a question before the Committee, as to whether the candidate himself, or other persons, had been guilty of bribery? If the indiscreet friends of a candidate should without his knowledge, and against his wish, resort to bribery in order to secure his return, it would be carrying the principle of constitutional severity too far to punish him for their misconduct.

Mr. *O'Connell* said, if his first amendment stood alone, the alteration would be liable to the objection which the noble Lord had advanced; but if he would look at the effect of the two Amendments together, he would find that the Member could not be punished, unless he was himself cognizant of the bribery before and at the time when it took place. The words in the second Amendment, "all persons wilfully concerned in such bribery," would preclude the possibility of the injustice to which the noble Lord referred.

Lord *John Russell* said, his objection fell to the ground, in consequence of the hon. and learned Member's explanation.

Amendment agreed to.

On the general question for agreeing to the Order,

The *Solicitor General* observed, that the existing law on the subject required alteration. By the law as it now stood, there was no bribery unless there was a previous contract; so that money was not distributed until after the election, and then, although the electors who received 5*l.* or 10*l.* a-piece recovered it as a reward for their implied consent to vote in favour of the candidate, that was not considered bribery. He hoped his noble friend would not drop his intention of bringing this subject under the consideration of the House in the shape of a Bill. The question of treating also required revision. At present, candidates might treat before the test-day of the writ, but not after. He trusted that his noble friend would not relinquish his attention to these subjects, or the Reform of the House would be unavailing.

Mr. *Sheil* said, it struck him that there were but two effectual preventives against

bribery. Respecting one of them there might be some doubt raised—namely, the imposition of an oath upon the candidates. The next was, that if an Act of Parliament was introduced to give the power of exhibiting interrogatories by the House to the candidate without releasing him from the necessity of answering questions that might implicate himself, that would be the most effectual mode of putting a stop to the corrupt system.

Mr. *O'Connell* proposed, as one of the modes of punishment, to make the guilty candidate liable to the payment of all the expenses upon the bribery being proved. He could not but regard the practice of giving sumptuous breakfasts, dinners, and two or three pounds to individuals, as, in substance, bribery. His great object was to bring before the House cases of unsuccessful bribery, and which were not likely otherwise to be brought forward. Successful cases of bribery were likely to be brought forward by the defeated candidate, and they would be more frequently brought before the House, if it were not for the outrageous expense attending them. No person could bring a case of bribery before the House from a remote part of the kingdom, or from a borough in Ireland, without putting himself to the expense of from 1,000*l.* to 5,000*l.* There ought to be some cheaper mode of getting at justice. He proposed that there should be a Standing Committee of probably twelve hon. Members, entitled to take into consideration all undue interference of Peers and others in the election of Members to serve in Parliament. In his own county he had known no less than five, six, or seven Peers advertising in the public newspapers for a gentleman to come forward and stand for a county, they pledging themselves to support him. He could mention several cases in Ireland in which enormous sums had been refused by persons for their vote. In one instance, which he could name, an individual who was not worth twenty pounds in the world, had refused not less than 200*l.* for his vote.

The Speaker put the question, and

Mr. *Ruthven* rose—not for the purpose of opposing the proposition, but, of entreating the House to preserve its character. He had read a report of a noble Marquess's speech sometime ago, (how far it was true he could not say) in which that noble Marquess had been pleased, in

speaking of the House, to use language which he considered highly improper; he had said that hitherto it had been an honour to be a Representative of the people in that House, but it was now no longer so—it had been converted into a receptacle for gamblers, and men who wished to avoid the payment of their debts, and not of persons who came there for the interest of the nation. It was also full of persons who sought to advocate the tricks of Political Unions. Now he (Mr. *Ruthven*) was not an advocate of the "tricks of Political Unions," but he did not think they were bodies to whom such terms should be applied. He was sure he for one was not a gambler or a man of broken fortune. He did not allude to this subject from any wish that proceedings should be taken; but when the public Press had been prosecuted for remarks of a similar nature—when even the printers, persons who gained their livelihood by manual labour, and who suffered most considerably by such proceedings, had not been spared, he thought he could point out to the House higher game for prosecution or persecution. The observation to which he had alluded was one which the author ought to have been ashamed of, or to have retracted.

Mr. *Hume* as there were some difficulties on the subject, recommended his hon. and learned friend to postpone his Motion until Monday.

Lord *John Russell* concurred in the suggestion of the hon. member for Middlesex; because they ought not to adopt so great a change as that now proposed, in so thin a House. The subject was one to which he formerly turned his attention; and drew up a resolution with respect to it very nearly resembling that now proposed by the hon. and learned Member. The objections which were stated to his resolution possessed, he thought, great weight. If a Committee were appointed to sit one day in every week to hear all matters which might be brought before it, he was afraid that it would open the door to numberless accusations from parties who had not sufficient evidence wherewith to proceed to an Election Committee; but who would avail themselves of the opportunity thus afforded of making general charges for the purpose of producing an effect against their opponents. The result of his deliberation was, that after all, the best course was, to appoint a Com-

mittee only when a *prima facie* case of bribery had been established. He entirely agreed with the hon. and learned Member, that great encouragement was held out to the practice of corruption by the extraordinary degree of expense which attended the prosecution of an election petition. As long as this continued to be the case, it was not likely that any person would incur the expense of 3,000*l.* or 4,000*l.* by petitioning against a return, unless he expected to be able to seat himself. He was doubtful whether the interference of Peers, in the election of Members for Parliament, ought at all to come under the cognizance of the Committee, if it should be appointed. It was true that the House passed a resolution, as a Sessional Order, against such interference; but he never thought that that intervention could be altogether prevented. The degree of censure which might be cast upon Peers very much depended upon the side with respect to which their interference took place. He remembered that about a year and a-half ago, when great anxiety prevailed relative to the passing of the Reform Bill, two or three noble Peers of his acquaintance subscribed to the fund, for endeavouring to secure the return of a Whig candidate for the University of Cambridge, and their names actually appeared in the list of subscriptions advertised in the newspapers; but he heard no complaint whatever on the subject from any Member in the popular interest. He thought that any act of bribery or intimidation which interfered with the freedom of election was culpable, whether it proceeded from a Peer or a Commoner; but although he never objected to the resolution being passed against the interference of Peers, he did not wish to see its spirit carried further. No doubt the extract which the hon. member for Dublin had read from the speech of a noble Marquess, was very foolish; but if the House of Lords were to occupy their time in noticing every idle speech which might be directed against them, they would have sufficient to do. He hoped that House would not set them the example of entering into an inquiry respecting a foolish and absurd oration.

Mr. O'Connell was glad to find that the noble Lord was strongly impressed with the justice of the view which he (Mr. O'Connell) took of the subject; and that the Solicitor General concurred in the

same opinion. He trusted, therefore, that his Majesty's Ministers would avail themselves of the abundant means in their possession to put down the enormous evil of bribery—an evil which had even been increased by the Reform Bill, in consequence of the new classes of voters introduced by that measure. He begged leave for the present to withdraw his Motion.

Motion withdrawn—Order agreed to.

MASTER OF THE REPORT OFFICE.]

Mr. *Hume* wished to ask the noble Lord (Lord Althorp) if the statement of the death of the Master of the Report Office, which he had read in the papers, were correct, and if the vacant appointment had been, or was intended to be, filled up? The emoluments of this situation amounted to 4,589*l.* 11*s.* 10*d.* per annum, which sum was paid out of the Court of Chancery. According to a former declaration of the noble Lord, all offices, as they fell vacant, were to be subject to revision; and he took it for granted that this was to be the case in the present instance. He would venture to throw out a suggestion, that inquiry should be made how far it was necessary to fill up the office at all; and if necessary, at what reduced salary. It was of great importance that these points should be strictly attended to in all cases when appointments fell vacant. At present, when any situation fell vacant in the colonies, or in the army or navy, the first intimation the public generally had of it was the appointment of a successor. He should give notice of a motion for a future day, to the effect, that all offices in the colonies, or in the military or civil service, that might fall vacant after that date, should be subject to such revision as that House, or the heads of the departments to which they belonged, should deem expedient.

Lord *Althorp* was not aware of the vacancy mentioned by the hon. Member, or the amount of the emoluments attached to the situation.

EAST-INDIA COMPANY'S CHARTER.]

Mr. *Baring*, seeing the right hon. President of the Board of Control in his place, wished to know when he thought it likely that he would be able to bring the question of the East India Company's Charter under the consideration of the House? He ventured to suggest that the great importance of the question to every part of

the kingdom, and the great interests connected with it, rendered it necessary that a subject of such magnitude should not be brought forward at a late period of the Session. He was aware that there were already questions before the House which would prevent this subject from being brought forward at present; but he was desirous of expressing his objection to have a subject of such vast importance brought forward at a late period of the Session. The noble Lord had stated that it was not his intention to move for the re-appointment of the Bank Committee, and he (Mr. Baring) must say it appeared to him that the House were already in possession of sufficient information upon the subject of the East-India question; indeed, his objection was rather to the abundance than the scantiness of evidence on the subject.

Mr. *Charles Grant* said, that the importance of the question to which the hon. Member had referred could not be over-rated. It was at present under the consideration of the Government and the Court of Directors. The introduction of the subject into the House certainly would not be deferred to a late period of the Session: indeed, it was his intention to bring it before them at no distant period from the present time. Of course he could not pledge himself to the exact moment, but he expected it would be before Easter.

Mr. *Warburton* observed that a large portion of the evidence taken before the Committee in the last Parliament was not yet in the hands of Members, and desired to know when it would be produced.

Mr. *Charles Grant* replied, that the Report of the Committee had been furnished to Members a fortnight since. With respect to the evidence and the appendices, they were so voluminous that it had been found impossible to complete the printing of them. That, however, was not owing to any want of exertion on the part of the printer, for he had been indefatigable.

Subject dropped.

HOUSE OF LORDS,

Thursday, February 14, 1833.

MINUTES.] Petitions presented. By Lord KING, from the Wesleyan Methodists of Axminster; and by the Earl of Essex, from Leominster,—for the Abolition of Negro Slavery.—By the Bishop of BATH and WELLS, from Bath, for a Repeal of the Sale of Beer Act.—By Lord KING, from certain Trades of London, for the Better Observance of the Sabbath.

TURNPIKE ROADS.] Lord *Teynham* inquired, whether it was the intention of his Majesty's Ministers to take the management of the turnpike roads into their own hands?

The Duke of *Richmond* said, he was not aware that such was the intention of his Majesty's Ministers; but that when the Returns which he moved for last Session should be laid on the Table, he should move for a Special Committee to examine them, as it would be found that the debts on the turnpike roads of England and Wales, amounted to more than 8,000,000*l.*, and that their present expenditure far exceeded their receipts.

HOUSE OF COMMONS,

Thursday, February 14, 1833.

MINUTES.] Papers ordered. On the Motion of Mr. HUMPHREYS, the Members of the House of Commons holding Offices under the Crown, at the pleasure of the Crown, or for a term of years, with the Amount of their Salaries, Pensions, &c.; also, the Members holding Commissions in the Army or Navy, or situations connected with his Majesty's possessions abroad; Return of the Number of Resident and Licensed Curates in England, with an Abstract of the Returns made by the Bishops pursuant to the 57th George 3rd; the Names of the Members of the Jamaica Council.—On the Motion of Mr. BARRON, Account of the Number of Stipendiary Magistrates in Ireland, distinguishing their Names, Religion, Time of Appointment, Amount of their Emoluments, &c.; the Number of Roman Catholics admitted into Corporate Offices in Ireland, since the passing of the Roman Catholic Relief Bill; the Persons Tried and found Guilty, and Acquitted, within the last twelve Months, in the Counties of Kilkenny, Mayo, and Queen's, distinguishing the Nature of each Offence; the Number and Nature of Offences reported to the Government in the County of Clare, in the year 1831 and 1832; Copy of the Oaths taken by the Protestant Clergy of Ireland on being inducted to their Livings.

Petitions presented. By Mr. JERVIS, from Chester, for enabling the 10*l.* Registered Householders to elect a due proportion of Aldermen and Common Councilmen.—By Lord MORPETH, from Idle; and by Mr. OLIPHANT, from Perth, for the Abolition of Colonial Slavery.—By Sir JOHN RAE REID, from Ewell; by Mr. NORTH, from Hastings; by Mr. EWING, from Dumbarton; and by Mr. WIGNEY, from Brighton, for the Better Observance of the Sabbath.—By Mr. RORKE, from Edgeworth Town, for the Abolition of Tithes, and an Alteration of the Jury Laws in Ireland.—By Mr. DUNLOP, from Kilmarnock; and by Sir MATTHEW WHITE RIDLEY, from Newcastle, —for a Repeal of the Duty on Soap.

PUNISHMENT FOR BLASPHEMY.] Major *Beauclerk* presented a petition, signed by several individuals, praying for the release of all persons incarcerated for blasphemy. The petition particularly alluded to Mr. Robert Taylor. He regretted that any person should be found to oppose, much less argue against, the Christian religion; but, however much he disliked such doctrines, he conceived that it was most unjustifiable to punish persons for entertaining different opinions; or for doing

what they perhaps considered a duty, endeavouring to propagate them.

Mr. *Cobbett* said, he neither knew the petitioners nor the person alluded to in it, though he knew that Mr. Taylor was accused and convicted of blasphemy. He abhorred the crime for which that person was confined, although he thought it singular that his imprisonment should proceed from those who cheered when petitions were presented for the emancipation of the Jews. Why, if they emancipated the Jews, that people would be on a footing with Christians. They would make them Judges and Justices of the Peace. He would oppose every attempt to unchristianize the country.

Mr. *Hume* was sorry to hear such a remark from the hon. member for Oldham. That an act of injustice had been perpetrated towards one person, was no reason why it should be continued towards another. He hoped, when the Bill was brought before the House, that the hon. Gentleman would act on a more liberal principle. He had himself received a petition on the same subject from Mr. Taylor; and as he had been two years in prison in a most miserable condition, he hoped his Majesty's Ministers would take his case into consideration.

Mr. *O'Connell* detested as much as any man the blasphemy of which the person in question had been guilty; but he did not like the principle of punishing for variations of creeds. What was still worse, too, it tended to increase the blasphemy. The family of this man, when he was sent to prison, opened a blasphemy shop in Fleet Street [*No—Carlisle.*] The instance was as good to prove the truth of his assertion. When prosecution ceased, the blasphemy ceased also. The case of the individual whom the petition most concerned, was a very hard one, for that individual was, he believed, quite insane.

Mr. *Pryme* knew of nothing in the New Testament which justified the persecution of those who differed from us in our opinions. Probably, many of the Members of that House, like himself, were members of Missionary Societies, who sought to propagate their creed in countries where a different belief prevailed, and the inhabitants of which would, perhaps, view them in the light of blasphemers. He thought it, therefore, highly inconsistent for such Gentlemen to seek the punishment of any man who aimed at the propagation

of opinions different from theirs. It was not only inconsistent with their own conduct, but also with the spirit of the Christian religion.

Lord *Althorp* said, it was not a Government prosecution. He agreed with the hon. member for Cambridge, that nothing could be more improper or disadvantageous than instituting prosecutions for the sake of preventing argument. But when, instead of attacking religion by fair argument, it was attacked by ribaldry and exhibitions of gross indecency, the case was altogether different, and no person of a serious mind could refrain from expressing his disgust. Though he feared that even then no great advantage arose from prosecutions.

Petition to lie on the Table.

EMPLOYMENT OF AGRICULTURAL LABOURERS.] Sir *Thomas Freemantle* moved for a Return connected with the Agricultural Employment Act. The system contained in that Act in many parishes had been adopted with great advantage; and he knew that the promoters of the measure entertained great expectations from its general adoption. Owing, however, to a construction which had been put upon some of the provisions of the Act, some difficulty had arisen, and he understood that the hon. member for Shoreham would bring in a Bill to amend it. His Motion was, that an humble Address be presented to his Majesty for a "Return of the number of parishes in each county in England and Wales, in which a plan has been agreed upon by the vestry, and approved by the Magistrates in Petty Session, for the employment of the poor of such parish, under the provisions of the Act 2nd and 3rd Will. 4th, c. 96." He would take that opportunity of saying, that the abuses of the Poor-laws were become an enormous grievance. He wished therefore to know whether it was the intention of his Majesty's Government to bring forward, or originate any measure relating to the Poor-laws, during the present Session. It could not be deferred much longer, it was a subject of too much magnitude for any individual Member to take up, but was one that required the talent, the means, and the responsibility of his Majesty's Government. He presumed the Commission appointed would soon make a Report; but he thought it very frequently happened that Commis-

sioners, instead of promoting the object they were meant to serve, were too frequently the means of retarding reformation. He hoped that would not be the case in the present instance.

Lord Althorp said, that at present it was not the intention of his Majesty's Ministers to originate any measure on this subject. He stated the other night, that the Commissioners were shortly expected to make a Report. Until then, he could not say what course his Majesty's Government would adopt, as, till they had the desired information, they could not tell whether it would be necessary to frame a new law, or whether the abuses could be remedied under those that now existed.

Mr. *Slaney* must take it upon him to urge the Government to give the subject their immediate attention. He did not think the Labour-rate Bill had proved very advantageous.

Mr. *Cobbett* thought that the Act alluded to by the hon. Baronet, possessed some advantages, and he knew instances of its having been most beneficially acted on. It would, however, be a great improvement, were they to require that farm servants, and agricultural labourers should be lodged and boarded with their masters.

Address agreed to.

DIMINISHED JURISDICTION OF JUDGES.]

Sir *Thomas Freemantle* begged to move for a Return connected with the criminal jurisprudence of the country. By an Act passed during the last Session of Parliament, the punishment of death had been removed from many crimes which before were capital. One of the consequences of that measure, not anticipated probably by the Legislature, was, that a large portion of those offences which, before, fell only under the jurisdiction of the Judges, now came under the cognizance of the Magistrates, and a great change had been effected in the administration of justice in the country. By the alterations, all cases of horse and cattle stealing, sheep stealing, stealing in a dwelling-house to the value of 5*l.*, the crime of forgery, and certain offences relating to the coin, were no longer capital, and consequently the Magistrates had power to dispose of them at the Quarter Sessions. The object of this return was to ascertain to what extent the Courts of Quarter Sessions, in the different counties, had

adopted the extended jurisdiction. If they were to try all such cases, the business of the Assizes would be materially diminished. At the summer Assize, which, in many counties, was immediately preceded by the Quarter Sessions, the gaol would be empty, unless there should be any persons charged with murder, arson, and rape, crimes which were happily of rare occurrence; and thus nearly the whole criminal business of each county would be transferred from the hands of the Judges into those of the Magistrates. It was a matter for serious consideration, whether the Court of Quarter Sessions was so constituted as to undertake these very responsible duties with advantage to the country. Complaints were daily thrown out against the unpaid magistracy, and abuse was in some quarters unsparingly heaped upon them. These calumnies were groundless; but it was inconsistent, at a time when such prejudices were abroad, to enlarge the powers and authority of a Court in which these Magistrates were the judges. It was undoubtedly desirable that the gaols should be delivered as frequently as possible, and a prisoner was entitled to his trial at the first court competent to try him; but the question was, whether the Quarter Sessions, as at present constituted, possessed an amount of legal knowledge, experience, and influence, to constitute it a tribunal to which so great a portion of the criminal business of the country could be intrusted. He had no other object in view, than to direct the attention of the House to this subject, and therefore should move that an humble Address be presented to his Majesty, for a Return "of the number of prisoners indicted and tried at the last Michaelmas and Epiphany Quarter Sessions, for each county in England and Wales, for offences which, prior to the passing of the Act of the 2nd and 3rd Will. 4th, c. 62, would have been capital felonies."

Mr. *Ewart* hoped that the objections which had been made to the enlarged jurisdiction of the magistracy, would not be considered an argument for reverting to the old system as to punishment; but rather, for the creation, if any alteration were necessary, of some new species of tribunal, such as that recommended by the present Lord Chancellor, which would combine celerity with propriety in the adjudication of secondary punishments.

Address agreed to.

AFFIRMATIONS—CASE OF MR. PEASE.]

Mr. C. W. Wynn rose for the purpose of calling the attention of the House to the report of the Committee appointed to examine into the precedents, if any, which exist, for receiving the affirmation of Quakers, in lieu of the oaths which are usually taken by Members of the House. Conceiving that this was purely a judicial question, he wished, before proceeding further, to deprecate any discussion on abstract principles, relative to the expediency or inexpediency of administering oaths to Members, previous to their taking their seats in the House. They were not sitting, in the present case, in a legislative, but in a judicial capacity; and it was, therefore, their duty to consider, not what the law ought to be—not what it might most advantageously be rendered, but what it is. They must recollect that they were now called upon to administer the provisions of an Act of Parliament of the construction of which they were not the sole judges, inasmuch as, by the enactments of this Statute, it was in the power of any common informer to bring the question before a court of justice, in order to ascertain whether a person taking his seat in that House, without having previously subscribed to the oaths, was not liable to pay the penalties provided by the Statute. The real merits of this case appeared to him to lie in a very small compass, and to depend upon the construction of the 22nd George 2nd, c. 46, which was appended to the Report. The only doubt which could be raised upon the subject proceeded from the decision which the House had previously come to in the case of Mr. Archdale; which decision, however, was made, not under the Act of George 2nd, but under the Act of 7 and 8 Will. 3rd, c. 34. Now it appeared to him that there were real and material distinctions between the two cases, as the passing of several Acts of Parliament, since that time, had contributed, in a great degree, to alter the grounds upon which that case depended; but, at the same time, he would say, that the words of the Act of the 7th and 8th William 3rd, were so strong, that if he had been in the House when Mr. Archdale's case was decided, he would have voted against the majority. As far as the decisions of courts of justice could influence the judgment of the House, he

might state, that all their decisions since that period had been in favour of receiving the affirmation of Quakers in all cases specified by that Act of Parliament; and, indeed, it appeared to him, that the 7th and 8th William 3rd, had removed all doubts whatsoever upon the subject. That Act commenced by reciting that “divers Dissenters, commonly called Quakers, refusing to take an oath in courts of justice and other places, are frequently imprisoned, and their estates sequestered, by process of contempt issuing out of such courts, to the ruin of themselves and families; for remedy whereof be it enacted.” It might be argued that it was not intended to extend this Statute beyond the objects and conditions recited in the preamble of it, but it went on to enact “that from and after the 4th day of May, which shall be in the year of our Lord 1696, every Quaker within this kingdom of England, dominion of Wales, or town of Berwick-upon-Tweed, who shall be required, upon any lawful occasion, to take an oath, in any case where, by law, an oath is required, shall, instead of the usual form, be permitted to make his or her solemn affirmation or declaration in these words following.” It appeared to him that this Act removed all doubts on the subject, and that it was as extensive in its application, as it possibly could be. It was true, that in the case of Mr. Archdale, which occurred after the passing of this Act, though he expressed his “willingness to make his declaration of fidelity, if it would be accepted in lieu of the oath,” the House required him to take the oath, which, on his refusing to do, the House decided that he was not entitled to take his seat. He came next to the 22nd of George 2nd, c. 46, which Act particularly regards the present case, passing over the intermediate Acts that had been passed, as they all referred to, and did not extend in any great degree, the provisions of the Act of 7th and 8th William 3rd. The 22nd George 2nd recites that “whereas a ‘doubt hath arisen whether the solemn ‘affirmation or declaration of the people ‘called Quakers, prescribed by an Act ‘made in the eighth year of the reign of ‘his late Majesty King George 1st, entitled “An Act for granting the people ‘called Quakers such forms of affirmation ‘or declaration, as may remove the difficulties which many of them lie under,” ‘can be allowed or taken instead of an

'oath, in any case wherein by any Act or Acts of Parliament an oath is required, unless the said affirmation or declaration be by such Act or Acts of Parliament particularly and expressly directed to be allowed and taken instead of such oath; by reason of which doubt, the testimony of the said people called Quakers is frequently refused, whereby the said people and others requiring their evidence are subjected to great inconveniences.' Such was the recital of that Act. It then went on to enact as follows, in terms so general and so universal, that it would be impossible for persons wishing to render it of wider application to resort to more comprehensive words—'That in all cases wherein any Act or Acts of Parliament now in force, or hereafter to be made, an oath is or shall be allowed, authorized, directed, or required, the solemn affirmation or declaration of any of the people called Quakers, in the form prescribed by the said Act made in the eighth year of his said late Majesty's reign, shall be allowed and taken instead of such oath, although no particular or express provision be made for that purpose in such Act or Acts.' It appeared to him, that if doubts had been raised in the minds of any Gentlemen in consequence of the decision in Archdale's case, this enactment should altogether remove them. The Act proceeds to enact that 'the said solemn affirmation or declaration so made as aforesaid shall be adjudged and taken, and is thereby enacted and declared to be of the same force and effect, to all intents and purposes, in all courts of justice and other places, where by law an oath is or shall be allowed, authorized, directed, or required, as if such Quaker had taken an oath in the usual form.' This enactment was so extensive, so universally applicable to all cases in which oaths were administered, that under it the gentleman now applying to take his seat in this House might, if ballotted for upon an Election Committee, act as a member of such Committee, taking, instead of the oath required of its Members, his solemn affirmation or declaration to the same effect. He believed, that doubts had however arisen in the minds of some hon. Members with regard to the present case, in consequence of what took place in the case of the present hon. and learned member for Dublin, when first elected for the county of Clare; and those gentlemen

founded their doubts upon this subject upon the following passage in Blackstone, namely—that "a statute which treats of things or persons of an inferior rank cannot by any general words be extended to those of a superior. So a statute treating of 'deans, prebendaries, parsons, vicars, and others having spiritual promotion,' is held not to extend to bishops, though they have spiritual promotion, deans being the highest persons named, and bishops being of a still higher order." That doctrine was quite correct where general words only were employed in the statute; but in the present instance, the words of the statute were express and particular: it declares the affirmation of the Quaker to be of the "same force and effect (as an oath) to all intents and purposes in all courts of justice and other places, where by law an oath is or shall be allowed, authorized," &c. There was no doubt that the two Houses of Parliament were superior to all other courts in their privileges and rights, and that those privileges and rights could not be limited by implication, but only by express words and enactments. He would ask, however, whether it were not notoriously the practice, in the House of Lords, when sitting in their legislative, and not their judicial, character, to examine Quakers on their affirmation or declaration, with the view of deciding, upon their evidence, as to the expediency or inexpediency of passing a certain bill into a law. He was, indeed, informed, that the gentleman whose case was under consideration, had himself been frequently so examined before the House of Lords. Upon the same principle, it was the bounden duty of the House to allow Mr. Pease to make his declaration at the Table, in lieu of taking the oaths required from other Members. If the case were less clear than it really was, he was of opinion that, in deciding upon it, it would be the duty of the House to lean to the side of the claimant, and—in conformity with those Acts of Parliament under which the affirmation of Quakers was, in all courts, and upon all occasions, in criminal as well as in civil cases held to be sufficient—to determine that it was also sufficient here. If, indeed, any material doubt existed on the subject, he should recommend the passing of an explanatory or declaratory Act with regard to it; but it appeared to him that no sufficient grounds existed in the present instance

to call for such a course of proceeding on the part of the House, whose plain duty he considered it to be, to admit the hon. Gentleman to his seat, on making his solemn declaration at the Table. He knew that some hon. Members doubted the applicability of the 22nd George 2nd to this case, seeing that the words of that Act had been so frequently introduced in subsequent Acts of Parliament, authorizing the taking of the affirmation of Quakers in particular cases. Now, to any Gentleman conversant with the statute-book it would be unnecessary for him to mention how often the provisions of an Act were unnecessarily recited in succeeding Acts of Parliament. He would just mention a remarkable instance of such supererogatory legislation. By the 6th Anne, c. 23, it was enacted that ‘any person who shall refuse to take the oath last hereinbefore mentioned, or, being a Quaker, shall refuse to declare the effect thereof upon his solemn affirmation, as directed by an Act of Parliament made in the 7th year of his late Majesty, shall not be capable of giving his vote at any election of a Member of Parliament.’ Now, just four years afterwards, an Act was passed (the 10th of Anne) which enacted that ‘Quakers shall be capable of voting at elections of Members to serve in Parliament after taking the declaration prescribed for them by law,’ and it then went on to recite the whole of the 6th of Anne that he had just quoted. He would not detain the House further on this subject; indeed, he was only sorry that he had found it necessary to trespass upon its time so long. He should reserve any other observations which he might have to make, for the purpose of offering them in reply to any objections which hon. Members might start, if such should be the case, against the present Motion, and he would therefore conclude by moving—“That Joseph Pease, Esq., is entitled to take his seat on making his solemn affirmation and declaration at the Table, in lieu of those oaths which were demanded from the other Members of that House.”

The *Solicitor General* said, that it was with very great pleasure indeed, that he rose to second the Motion of the right hon. Gentleman. After the able and lucid manner in which that right hon. Gentleman had explained the law upon the subject to the House, it would ill become him (the *Solicitor General*) to oc-

cupy its attention for many minutes. He felt it his duty, however, to state, that having looked into the law upon the subject, he had, upon the maturest and fullest consideration of it, arrived at the clear conclusion that Mr. Pease was entitled, upon making his affirmation at the Table, to take his seat. Originally, by the common law of the land, every person that was duly elected was entitled to take his seat in that House without taking any oaths whatever. Until the 5th of Elizabeth, c. 1, was passed, no oaths were required by the common law from Members taking their seats in Parliament. Now, as that statute, and the other statutes imposing oaths, were infringements on the common law of the land, and were, besides, penal statutes, they must be literally and strictly construed, whereas the remedial laws, relaxing such provisions, and so far restoring in a degree the common law right, were to be liberally construed. That maxim of the law was especially applicable to the case of the Quakers. By the 30th of Charles 2nd, Quakers were, with other Dissenters, prevented from sitting in Parliament. It was clear, therefore, that at the time when the 7th and 8th William 3rd were passed, Quakers could not sit in Parliament; but he agreed with the right hon. Gentleman in the opinion that that Act, if its provisions were construed liberally, as they should be, enabled Quakers to take their seats in either House of Parliament. Two subsequent decisions, founded on that Act of Parliament, would show how it had been construed in the courts of law. A case which occurred a short time after the passing of that Act, in the reign of William 3rd, was decided before Mr. Chief Justice Holt, and that learned Judge then decided that in all cases where oaths were required, the affirmation of a Quaker could be taken, with the exception of the exceptions made in the Act itself—viz: in criminal cases, in evidence before Juries, and in the oaths prescribed to be taken by persons appointed to offices under the Government. In a case which occurred in the reign of George 3rd, Lord Mansfield said, that “he could not even start a doubt, the point was so clear.” There were those two decisions of the Court of King’s Bench to show, that the relaxing Acts should be construed liberally, while the penal statutes should be subjected to a strict and literal construction.

But if any doubt existed as to the 7th and 8th William 3rd, he thought that the 22nd George 2nd was calculated to remove all such doubts. It was true, as the right hon. member for Montgomery had stated, that superior courts, or persons of superior rank, were not to be concluded by Acts of Parliament that merely mentioned courts, or persons of an inferior order. It was, besides, true, as a maxim of law, that the King was not bound by an Act of Parliament unless he was expressly mentioned in it, and that was intended for the purpose of preserving the prerogatives of the Crown; but then the King was bound by an Act of Parliament where the Legislature evidently intended to include the King in it. Now, it was plain that the intention of the Legislature in passing the 22nd George 2nd, was to put Quakers on a footing with all other Dissenters in England, with the exception of Catholics, who were, of course, specially excluded from the benefits extended to other Dissenters. That being the case, the Act should be construed in accordance with the intention of the Legislature in passing it. He hoped that the House would come to a unanimous decision in favour of this Gentleman's claim. It would give him the utmost satisfaction to find, that in so full a House it should be unanimously decided that so enlightened and so loyal a class of persons as the Quakers were entitled to a representation in that House.

Motion carried, amidst loud cheers from all parts of the House.

CORPORATIONS.] Lord Althorp said, that in rising to bring forward the Motion, of which he had given notice on the subject of corporations, he felt it due to the House to take the opportunity to state why he did not persevere at present in the other Motion of which he had also given notice for this evening, for giving Corporations to the new boroughs in England. He had that measure in such a state of preparation that he could have advantageously brought it before the House, but circumstances which had since come to his knowledge with regard to those boroughs showed him that it would be desirable to make some alterations in the details of the Bill, and he therefore thought it right to postpone it for the present, in order to afford more time for its preparation. But it appeared to him that the sooner the House took the other measure—that which regarded ex-

isting Corporations, and which he had now risen to propose, into its consideration, the better. The complaints of the malversations of Corporations were constantly and universally heard; and it was therefore undoubtedly a proper time for the House to take the subject into consideration, for the purpose of applying a remedy. Indeed, the Corporation system, or rather the present state of it, was in such ill odour throughout the kingdom, that in many towns, where the effects of that system ought to be beneficial, it was, on the contrary, the fruitful source of disputes, quarrels, enmity, and confusion; so much so, that it had frequently happened in cases of riots in those towns that the members of Corporations, when they had sought to put down the tumult, had been refused the assistance of the inhabitants. It was, therefore, certainly most desirable that such alterations should be made in the system as to make the Corporations more popular, and render them more useful. It would certainly have been expedient on the present occasion, as in his opinion it was desirable on all occasions, for his Majesty's Government themselves to have introduced a Bill on the subject upon their own responsibility; but when they looked at the vast mass of details—at the variety and complication of circumstances connected with the case, and at the large amount of property involved in the result, they felt that it would be impossible for them, without the authority of a parliamentary inquiry, to devise the means which should be most fitting to meet the object in view. It was thought best, therefore, to submit the subject to the consideration of a Committee of that House. He was afraid that the duties of that Committee would be very laborious; and he was also afraid, that those duties would be not only laborious, but tedious and protracted. But there was no other mode of proceeding which would afford to his Majesty's Government the authority necessary for any proceedings which it might subsequently be found desirable to adopt. He did not expect that any opposition would be made to his Motion. He was fully confident that he should have the general concurrence of the House when he said that such an inquiry was very desirable. So, as it was not his custom to detain the House at any length, when he did not anticipate any difference of opinion, he would not do so on the present occasion. There

was one other point, however, on which he would say a word; and that was the nomination of the Committee. As there were so many hon. Gentlemen in the House who were connected with borough towns, and who therefore felt considerable interest in the question, it might happen that some of them would experience disappointment at not finding themselves named as Members of the Committee. But they must be aware that the number of the Committee must necessarily be limited. At the same time, it was his intention to propose a larger Committee than was usual on such occasions, because, as the labours of the Committee were to be directed to the examination of Corporations, not only in England and Wales, but also in Ireland, it was, of course, desirable that a just portion of it should consist of Members from that country. He would state the grounds why, on the best consideration which they had been able to give the subject, his Majesty's Government thought the Corporations of Ireland ought to be included in the inquiry. In the first place, it was exceedingly desirable that the institutions of the two countries should be assimilated as much as possible. And, as a general rule, whatever it was proper and right to do with respect to a corporate body in England and Wales, it would be proper and right to do with respect to a corporate body in Ireland. There was also another practical reason which induced him to unite the inquiry into the state of the Corporations in the two countries in one. He was apprehensive that, if the Committee on the Irish Corporations were to consist simply of hon. Gentlemen from Ireland, the eager feelings and the great differences which existed on political points might make their decision considered not quite so impartial and satisfactory as the decision of a Committee formed of the members of the United Kingdom. He would trespass on the House no longer, but move "That a Select Committee be appointed to inquire into the state of the Municipal Corporations in England, Wales, and Ireland; and to report if any, and what abuses existed in them, and what measures, in their opinion, it would be most expedient to adopt, with a view to the correction of those abuses."

Mr. Wallace said; that as a member for the largest sea-port town in Scotland, he must—

Lord Althorp begged the hon. Member's pardon for a moment. He had omitted to state the reason why Scotland had not been comprehended in his proposition. That reason was, that his learned friend, the Lord Advocate, had a Bill in preparation for the correction of abuses in the Corporations of Scotland.

Mr. Wallace again rose, as a Member for the largest sea-port town in Scotland, to express his regret that Scotland was not placed in this proposition on the same footing as England. Was not the Union with Scotland as complete as the Union with Ireland? Why, then, should the former be treated differently from the latter? He was one of those who entertained a great respect for the learned Lord Advocate; but he entertained a still greater for the wishes of his constituents; and he was sure that he spoke the sentiments, not only of the inhabitants of the great sea-port which he had the honour to represent, but of the whole of Scotland, when he declared, that the Municipal Institutions of Scotland contained greater abuses than those of England and Ireland united. He trusted that the Reformed Parliament would investigate abuses of every description. Among other matters which might be beneficially inquired into, was the office of the Lord Advocate himself; and he thought it might be shown, that in many respects it was an office utterly inconsistent with the present state of society. In the meanwhile, he earnestly intreated the learned Lord to consider the expediency of giving to Scotland the same advantages as it was proposed to give to Ireland, with reference to this most momentous question. Many advantages would result from the investigation by a Committee, of the manner in which these Corporations were constituted; and he repeated his conviction, that the iniquities of the Scotch Corporations would be found to exceed the iniquities of the English, Welsh, and Irish Corporations united. If the hon. and learned Member could succeed in prevailing upon the noble Lord to include Ireland in his proposition; he earnestly hoped that the noble Lord would yield to a similar solicitation, and include Scotland in it. He would move to substitute the words, "Great Britain," for the words, "England and Wales."

Mr. Hume seconded the Amendment, and confirmed the declaration of his hon. friend, that the abuses in the Corporations

of Scotland were as great and as much the subjects of general reprehension as those of Ireland. But as the learned Lord Advocate was present, it would be satisfactory if that learned Lord would state why Scotland had been omitted in the Motion before the House. His hon. friend, the member for Greenock, might then, if he chose to do so, withdraw his Amendment, or give notice of a distinct motion on the subject for a future day.

The *Lord Advocate* expressed his extreme regret, that, owing to an accident, he had not been in his place when the hon. member for Greenock made his observations. If, in answer to those observations, he had to state that the omission of Scotland in the Motion of his noble friend arose from the slightest doubt of the propriety or necessity of extending Corporation Reform to a country in which it was so eminently required, he should feel that he had a very difficult task to perform. But when he stated that the reason why Scotland was not included in his noble friend's proposition was directly the reverse of that supposed by the hon. member for Greenock, he trusted that he should set himself right with the hon. Gentleman and with the House. That reason was, that his Majesty's Government were prepared with a measure to reform the Corporations of Scotland in a more direct and simple manner than was proposed with respect to the Corporations of England and Ireland; with regard to which the tedious but indispensable investigation of a Committee was previously requisite. A similar Committee was not necessary with reference to Scotland, because, for forty years past, the state of the Corporations of that country had been constantly under discussion. Lord Archibald Hamilton had moved inquiries upon the subject year after year, and in consequence of the Reports of his Committees, and the information which those Reports contained, a great variety of publications had been generally circulated; so that the materials for rectifying the abuses in the Corporations of Scotland were abundant and mature; and the delay which would be occasioned by the inquiries of a Committee was rendered unnecessary. There was another reason why the Corporations of Scotland should be treated separately from the Corporations of England and Ireland. No three or four of the Corporations in England and Ireland laboured

under the same grievance. Different abuses prevailed in different Corporations, for the rectification of which no one measure would be sufficient. But in Scotland the case was otherwise. In the year 1469, the whole of the liberties and privileges of the burgesses of Scotland were struck to the ground. By the arbitrary statute of that year, the Corporations of Scotland, which had before been liberal, were, by the single, unequivocal, and baneful influence of that Act, converted into rotten Corporations; the nomination of the Magistrates and Councils was declared at one sweep to be no longer fit to be intrusted to the burgesses—to "simple men," as they were termed; and it was enacted by that sweeping statute, that in time to come, the existing Magistrates should nominate their successors. The course, therefore, with respect to Scotland was plain and simple. All that it would be necessary to do was to repeal the statute to which he had alluded, and provide at once a popular constituency. That remedy had been prepared; it was very simple, and would be comprehended in a single, direct, and, as he hoped, satisfactory enactment. He trusted, therefore, that he had shown the hon. member for Greenock, and the House, that he had not been deficient in his duty, and that he had not shown any indifference to the correction of the abuses which existed in the Corporation of Scotland. There was no necessity for an inquiry into the state of the Scottish boroughs; no documents were required to establish the existence of the undeniable and flagrant evils of the present system of self-election; and he had already given notice of his intention to move, on the 12th of March, for leave to bring in a bill to provide a remedy for those evils.

Mr. *Hume*, after the satisfactory explanation of the learned Lord, recommended his hon. friend to withdraw his Amendment. Having been a member for four years, of a Committee on the subject, he could assure his hon. friend that the abuses of the Royal Burghs in Scotland had been very fully disclosed. He hoped the learned Lord would not fail to comprehend all the Corporations in this measure.

Mr. *Wallace* was willing to withdraw his Amendment, but hoped the learned Lord would include all the Corporations of Scotland in his Bill.

The *Lord Advocate* replied that it was his purpose to do so.

Amendment withdrawn.

Sir *Richard Vyvyan* said, it had been truly stated, in the Speech from the Throne, that there never was a time at which subjects of greater importance than those which were about to be considered had been brought before Parliament. But he could not recollect any reference in that Speech to the state of Municipal Corporations. And when subjects of such vast importance were about to undergo consideration, he could not see the expediency of burthening the House further with a question of so much magnitude as that under discussion. He thought it would have been much better if his Majesty's Government had adopted on this occasion the course which they took with the Reform Bill, and if, without submitting the question to the previous consideration of a Committee, they had themselves originated a measure. The excitement of the recent election must have left the great majority of the Members of that House prejudiced either for or against Corporations; and he did not think it fair or just that they should constitute a tribunal to inquire into the subject. He would offer no remarks on the policy of the measure, or on the great responsibility which his Majesty's Government took upon themselves in proposing the abolition of all the chartered Corporations of the country. He did not stand there as the advocate for Corporations; but he must say, that there could not be a more unfit tribunal to try the merits of those Corporations than the Committee proposed by the noble Lord.

Sir *Matthew White Ridley* observed, that his hon. friend, although he decried the formation of a Committee of that House to inquire into the state of Corporations, had not stated the means by which an investigation of the subject might more advantageously be entered into. After the statement of the noble Lord, the Chancellor of the Exchequer, that, in the selection of the Committee, he should name those Members who were most likely to come to a just and impartial decision, he thought his hon. friend's observations rather hard, and a little unfair, especially at a time when he did not know who the members of the Committee were to be. Connected as he (Sir M. W. Ridley) was with a large Corporation, he

could not avoid expressing on their part their entire readiness to meet the fullest inquiry, either by that House, or by any other tribunal, into the state of the management of their Corporation. He was aware that great dissatisfaction existed in some quarters on the subject; and that the hon. member for Middlesex had been intrusted with a statement of the causes of that dissatisfaction; but as his hon. friend had, wisely in his (Sir M. W. Ridley's) opinion, forborne from making that statement on the present occasion, he would forbear from stating the facts that would be an answer to it; and would satisfy himself with the declaration that the Corporation of Newcastle courted rather than shunned the fullest inquiry.

Mr. *O'Connell* could not but express the great pleasure he felt, that the Members for Scotland were so satisfied at the determination of his Majesty's Government to rectify the abuses in the Corporations of that country; and he likewise felt it his duty to express as distinctly the very great gratification which it gave him, that the noble Lord had included the Corporations of Ireland in his Motion. He was the more gratified with the circumstance, because he was sure that it would not be a mock, but a real inquiry, entered into with a determination to correct the abuses which might be detected. He knew of no greater grievance in Ireland than the existence of the Corporations in question, in their present shape; and nothing could be more satisfactory to the people of Ireland than the approaching certainty that that grievance would be redressed. For above a century there had been a daily increasing dissatisfaction, occasioned by the monopoly of authority on the one hand, and the entire destitution of it on the other. Perhaps he ought to be more slow in the expression of his approbation, after the remark made the other evening by the hon. Baronet (the member for Westminster), that because he (Mr. O'Connell) approved of the measures proposed by his Majesty's Ministers with respect to the temporalities of the Church in Ireland, he ought therefore not to disapprove of the measures which they were about to propose, of an unconstitutional character. He would not hesitate, however, to say, that the proposition which had been made that evening by the noble Lord, would be hailed with great satisfaction in Ireland; and so it ought to be. If

the noble Lord had thought proper to enter into details on the subject of the abuses in the Corporations of England, he (Mr. O'Connell) should have been prepared to enter into similar details on the subject of the enormous abuses in the Corporations of Ireland. But he would follow the noble Lord's example, and refrain from such a statement. He might say generally, however, that the state of the Corporations in Ireland was such as to show the vilest ingratitude on the part of England in former days to that country. By statutes passed immediately after the Restoration, Catholics were excluded from the Corporations, although those excluded Catholics had fought and bled in the cause of the House of Stuart. He hoped that better days had arrived; and that the people of Ireland would never have to complain of similar ingratitude. The duties of the proposed Committee would undoubtedly be very laborious. It would be necessary that the Committee should manifest two qualities—impartiality, and a determination to do their work. In the latter point they would find cordial assistance from the Irish Members. The state of the Corporations in Ireland was very notorious. The Corporation of Cork, a close Corporation, had at its disposal 70,000*l.* a-year; the Corporation of Dublin, a close and narrow Corporation, had at its disposal, (including the expenses of the Police) 50,000*l.* a-year. So close and narrow was the latter, that although for forty years the law had permitted Roman Catholics to be members of the Corporation of Dublin, not a single member had been admitted into that Corporation. He considered the proposition of the noble Lord, however, as a good omen of the future.

Mr. *Roche* expressed his approbation of the Motion, which he thought would give great satisfaction in Ireland.

Sir *Francis Burdett*, in explanation of the observation in his speech to which the hon. and learned member for Dublin had alluded, said, that what he had stated was, that the measure respecting the Church of Ireland, proposed by his Majesty's Ministers, evinced so good a feeling towards that country, that the hon. and learned Gentleman might feel assured, that whatever powers might be intrusted to those Ministers, would be in no way abused. So far from defending an infringement of constitutional rights, his

(Sir Francis Burdett's) argument was, that the powers to be granted to them would enable them to maintain constitutional rights. With a Reformed Parliament such increased powers might be looked at with the less jealousy, because they would be exercised under a real and a heavy responsibility.

Mr. *Barron*, expressed his gratification at this subject being taken up by the Government. He complained that vast sums of money had been embezzled by the Corporation of Waterford, which ought to have been devoted to the service of the people.

Mr. *Tooke* stated, that in 1831, ten members only of the Corporation of Truro returned two Gentlemen to represent Truro in the House of Commons, and who had been so returned for two or three previous Parliaments, but as conclusive evidence of such representation, or rather misrepresentation, he might add that no sooner had the Reform Bill passed, than the nominated Members for Truro vanished from the annals of that borough, and from the knowledge of its numerous and enlightened population. The Corporation of Truro resembled, from its composition, rather a collegiate than a municipal body, as it chiefly consisted of the three learned faculties of law, physic, and divinity, comprising, within its *maximum* number of twenty-four, a large majority of lawyers, clergymen, and medical men, the remainder being chiefly composed of half-pay naval officers, with a very small proportion, if any, of individuals engaged in the peculiar trade of Truro, or, therefore, having a common interest with its inhabitants; in proof of which he might state, that only one member of the Corporation favoured him with his vote, while his numerical strength there was and is, as 10,200. He also expressed his firm conviction, that in the event of all the corporate officers being for the future elected by the inhabitants, such election should be that of ballot, as the best, if not the only protection from the consequences of that system of intimidation and corrupt influence which was eminently exercised at the recent election, and which practices would no doubt be resorted to with continued and increased effect, as particularly applicable, to controlling, for the purposes of party and power, the choice of resident Magistrates by resident electors.

Mr. *Peter* was satisfied that the inquiry

now proposed by the Government would be taken as an earnest of their increased attachment to the rights of the people, and of their determination to strengthen and perpetuate the best interests of the country.

Mr. *Christmas* only wished to defend the Corporation of Waterford from the unfounded charges brought against it by his hon. colleague. He was sure that his hon. colleague was quite misinformed.

Mr. *Barron* had alluded to what occurred sixty or seventy years since, when he charged that Corporation with embezzlement.

Sir *Robert Inglis* asked whether the Committee would have the power to call for Charters?

Lord *Althorp* replied they would have no more power than any other Committee. Committee appointed.

LAW OF REAL PROPERTY.] The *Solicitor General* had to bring forward a series of measures for the purpose of making certain alterations in the laws relative to Real Property, but he would occupy the attention of the House for a very short time. He regretted that so little attention was paid by hon. Gentlemen, generally, to subjects of this nature, although they were of the greatest importance. In the two last Sessions of Parliament he had brought forward similar measures, but without success. Often, after he had given notice of his intention to proceed with these bills, when the day came, there had been no House. At other times, when the Order of the Day was read, it served as a signal for a general dispersion. He hoped that the attention of the House and the country would now be directed to this subject, and that the public would no longer have to complain of the conduct of their Representatives in not getting rid of the evils to which the present state of the law of property exposed all classes. Since the reign of Charles 2nd no alterations had been made in the laws relative to real property in England; and all the grievances which then existed still continued— even aggravated by the changes which had taken place during that interval in the state of society. He had now to move for leave to introduce five bills; which, if carried, would, he trusted, remove a few of the evils now experienced. The first of these was, to

abolish fines and recoveries, and to substitute, in place of the present system, a more simple proceeding, by virtue of which, what was now effected circuitously, and at great expense, would be done by a simple deed. He need not tell the House that the present system of fines and recoveries was a serious grievance to the landed interest. The whole machinery was unnecessary, and ought to be got rid of. At present fines and recoveries caused an enormous and unnecessary expense. Before a fine could be levied, or a recovery suffered, there were nearly twenty offices—through which proceedings were to pass; and there were danger, delay, and expense, in each. It was his intention to propose that that should be done by a simple deed which was now done by the tedious and expensive process of fine and recovery. It was true, that the plan which he proposed to substitute was not altogether approved of by the hon. and learned Gentleman opposite, (Mr. O'Connell) than whom there was no man more profoundly versed in the law of the country. He trusted, however, that, on consideration, that hon. and learned Member would be induced to support the Bill intended to be introduced on this subject. He hoped that by the manner in which this Bill was framed, they should get rid of a great blot on our system of law. The next Bill was, to regulate the law relative to the limitation of actions and suits relative to real property. The statutes and usages now in force upon this subject were barbarous in the extreme. The period of limitations varied in different suits, and not according to the nature of the property. The limitation was sometimes sixty years, sometimes thirty years, sometimes twenty years, and sometimes six years, and, in some cases, there was no limitation at all; for instance, in cases of advowsons, and property of that nature: and thus, families, which had been in possession of property for generations, were liable to be suddenly deprived of it. It was his intention to propose that there should be a general limitation of twenty years; and that possession for that time should confer a title. The next Bill he had to introduce had for its object the amendment of the law of inheritance. As the law now stood, the father could not inherit through his son. This appeared to be a great absurdity; but it had been

justified on the ground that if the law were otherwise it would be against the principle of gravitation, which was always to descend, and not to ascend. Again, a brother could not succeed another brother in an inheritance, if that brother was only of the half-blood. Thus a father might have two sons by different mothers, and leave his family estate to the elder; but the younger son would not, in the case of the death of his brother, succeed him in the possession of the property, but it would, in preference, go to a stranger, or escheat to the Crown. It was, therefore, his intention to propose that a father should be able to inherit from the son, and the half-brother from the half-brother. The next Bill which he wished to introduce had reference to the law of dower. As the law now stood, a wife was entitled, on the death of her husband, to one-third of any lands, of which he had had an estate of inheritance at any time since the marriage. This part of the law, however, was constantly evaded or rendered useless by the modern practice of marriage settlements. But the law of dower, also, from its operation, tended to impede the sale of landed property. The practice now was, on the purchase of land, to bar dower; and if this was not done, the purchaser became liable to the payment of it. He meant to propose that the law of dower should only take effect on the land the husband died seized of. When he had first proposed this Bill in a former Parliament, he had been desirous that it should take immediate effect; but in consequence of the opinions then expressed, he had framed his Bill in such a manner as to preserve all vested rights. By way of compensation to the woman, he intended to propose that she should be entitled to dower out of equitable estates, whether the husband had entered and was actually seized or not. The last of the series of bills was, to apply to the law of curtesy. By the existing law, the husband had the whole estate of the wife, if there were a child of the marriage, but not otherwise; and if the wife had children by a former husband they were excluded from any participation in their mother's property. Now, he proposed that the husband should be entitled to curtesy, whether there was a child born of the marriage or not, and that if the wife had children by a former husband, the property of the wife should be fairly divided between

the issue of the former marriage, and the second husband, as tenants in common. Such were the measures which he had now to propose. He trusted that the House would agree with him, that the evils which he had pointed out admitted of an easy remedy; and that it would also support him in carrying into effect the alterations which he had suggested. There was one subject more to which he wished to allude. The House was aware that he had laboured hard to carry a measure for effecting a general registration of deeds. He had intended to have brought forward that subject once more; but as he was now connected with the Government, and some difference of opinion appeared to prevail as to the propriety of carrying such a measure, the Government were anxious to leave the question entirely to the consideration of the House, without its being brought forward as a Government measure. He had reason to believe, however, that many members of the Government approved of such a measure, and would give it their support. His hon. and learned friend, the member for Southwark, had given notice of his intention to move for leave to bring in a bill for this purpose; to such a bill he (the Solicitor General) would afford his cordial and zealous support, and it was his anxious hope and expectation that it would be carried by a large majority of the House. He was sure that such an alteration of the law as was proposed, on this subject, would be attended with the greatest public benefit, and to no class would it be more beneficial than to the landed interest. He would, therefore, move for leave to bring in a bill to abolish fines and recoveries, and for the substitution of more simple modes of assurance in lieu of them. Also, for leave to bring in a bill for the limitation of actions and suits relating to real property, and for simplifying the remedies for trying the rights thereto. Also, for leave to bring in a bill for the amendment of the law relating to dower. Also, for leave to bring in a bill for the amendment of the law relating to the estate of a tenant by the curtesy of England. And, also, for leave to bring in a bill for the amendment of the law of inheritance.

Mr. O'Connell wished to know if the proposed Bills were to be applicable to Ireland as well as to England.

The Solicitor General said, there was

some difficulty in the matter; there was a difference in the statutes of limitations of the two countries.

Mr. *O'Connell* said, there certainly was a difference. He hoped, however, that these Bills would be extended to Ireland, as they would be most beneficial in their results. As to the one affecting the statutes of limitations, some express arrangement might be entered into upon the subject of them.

COLERAINE ELECTION PETITION.] Mr. *Goulburn*, in rising to move the postponement of the consideration of the Coleraine Election Petition, said, that the petitioners complained, that, at this election, several persons having a claim to register were refused by the Barristers, and their names not received. Between the English and Irish Bills upon this subject, there was a wide distinction—in England, the decision of the registering Barristers was final; but in Ireland, when any persons thought themselves aggrieved by the award of these functionaries, they had an appeal to the Judge at the next assizes. The next Londonderry assizes commenced on the 20th of March. If this question were now discussed by the Committee, and the Judges were afterwards called on for their opinion, they might think themselves bound to adhere to the decision of the Committee; and, on the other hand, the Committee might say, that as the power of deciding had been intrusted to the Judges of the land, they had no power. Now he proposed to avoid both these difficulties by having the opinion of the Judges taken, so that it could afterwards be submitted to the Committee for their adoption or rejection. His wish, therefore, was, that the consideration of the Coleraine Petition should be postponed till Friday, the 27th of March, and, as the opinion of the Judges would be taken on the 20th of March, the Committee could then have the benefit of it for their guidance.

Mr. *Littleton* thought, that the right hon. Gentleman could not have been properly instructed as to the facts of the case, and he should only now observe, that strong as it might appear to be to the right hon. Gentleman, the other side would seem equally strong when it came to be heard. He ought to add, that the petitioning candidate and his friends

had been ignorant of there being any reasons to delay the consideration of the Petition, and had made preparations for instantly bringing it to the decision of a Committee.

Mr. *O'Connell* said, that one of the difficulties anticipated by the right hon. Gentleman would not occur, for no Committee of that House, upon a question of election of a Member of that House, could be bound by the opinions of any or all of the Judges. There was, therefore, no necessity for waiting on that account. But, on the other hand, there were many reasons why the consideration of the petition should not be delayed. The witnesses had already been sent for, were on their way hither, and of course would speedily arrive, and must be kept at the expense of the petitioner if any delay should occur.

Motion negatived.

SINECURES AND PENSIONS.] Mr. *Hume* rose to call the attention of the House to a subject which he deemed of the utmost importance. The state of the country loudly demanded the most rigorous economy on the part of the Government; and the Parliament were bound to relieve the country from its present burthens. On a former occasion he had complained of his Majesty's Speech, for omitting to notice, as he thought it ought to have done, the sufferings and distress of the people, and their demands for reduced taxation. He was, however, willing to believe, that the Ministers were convinced of the necessity of reducing the amount of expenditure. Another part of the complaint he had then urged was, the recommendation of harsh measures towards Ireland. He was happy to be able to say, that the Motion of the noble Lord two nights since had agreeably disappointed him on the subject of that complaint. The measures which the noble Lord then brought forward was one of peace and conciliation, and he had no doubt it would be received in Ireland as such. The measure which the noble Lord had this night introduced was one of the next degree of importance to Parliamentary Reform, and he trusted would be found satisfactory to the people of all the great towns of this country. As he had before complained of what he thought to be the inattention of Ministers to these subjects, he now begged leave to return

them his thanks for what they had done. Next in importance to these two great subjects, was that of relieving the people from taxation; and under the feeling that it was so, he thought he could not do better than bring forward the question of which he had given notice. He should have been glad to postpone it till after the Budget had been produced; and he would have done so, had not a circumstance which had just occurred forced it on him and on the House—he alluded to a statement which had appeared in the newspapers of the death of a gallant officer, the Governor of Berwick. That circumstance, coupled with what had occurred in the last Parliament with respect to the Governorship of Londonderry, to which the hon. member for Poole had been appointed, had influenced him in at once submitting the present Motion to the House. He had then entered his protest against the principle of such appointments; and what he was now about to do, was in the hope of preventing this appointment taking place, and of preventing all others of the same kind. He believed that, since the last Session, some of these appointments had been made. One, for instance, was that of the Lieutenant of the Tower. Now, such appointments must be prevented if that reduction of expenditure which the country required was to take place. What was the state of the finances of the country? On the 5th of July last there was a balance of 1,240,000*l.* of expenditure beyond the receipts. That fact, in the eighteenth year of peace, was one which would make everybody—every man of sense—agree with him in saying our finances were in a bad state. According to the statement which the noble Lord made at the end of the last Session of Parliament, he anticipated that in the year ending on the 5th of April next, there would be a surplus of 773,000*l.* He hoped that the noble Lord's anticipations would prove correct, but no one could be sure that they would. However, supposing that they were then deducting that surplus from the deficiency of last year, it would leave a deficiency on the two years' accounts of only 476,000*l.*; so that the people must see that if they wished to avoid an increase of loans, the Government must have new taxes in order to meet that deficiency. What, then, ought the House to do? They must look on every side, for the purpose

of discovering the means of reducing the expenditure, in order that they might avoid both new loans and new taxes. Unless they removed all that was unnecessary in the way of expenditure, they could not effect the reductions of which the country was in want. They must abolish all useless and superfluous places and pensions. That was now the question. If the House should divide to-night on his Motion, it would have had the opinion of six Parliaments taken on it; for he had already taken the sense of five Parliaments on the question of giving these useless offices to military men. He was aware that the noble Lord could tell him now, as on a former occasion, that he must not count on the noble Lord's vote for that; that vote had never been with him on this question when the noble Lord sat on his side of the House. That was quite true; but still he must say, that he thought the noble Lord's opinions mistaken on the question. The objection might be made that this was a partial question, and that the House ought not to decide about Londonderry or Berwick, but upon the question of principle itself. He agreed with that objection now, and he thought that in this Parliament we should look to principles; hitherto every question had been a question of expediency, of interest, and of party favour; and the consequences of any one question had never been fairly dealt with. In this new Parliament he hoped it would be different. If Ireland had loudly demanded relief, and Ministers had wisely granted it, did not England want relief in a similar manner? Every, or almost every Member, who had appeared before a numerous constituency, must have been called upon to give his utmost support to measures of economy and retrenchment. He knew that there were some Conservative constituencies—the Universities of Cambridge and Oxford for instance—where this had not been done; but then they were exceptions to the rule, for everywhere else the people had loudly demanded relief from unnecessary taxation (all proper burthens they were most willing to bear), relief from sinecures and unmerited pensions. With the last of these he had now nothing to do. The question he should now submit to the House was, whether sinecures should be continued or not. He should read to the House a paper that would exemplify the evils of these sinecures,

and he ought to tell them that it was not a paper which he had made for this occasion, but which he had treasured up till an occasion should arise to bring it forward. It was a return made to that House in 1816, and it was signed "H. Goulburn," whom he took to be the proper officer to return it. The document stated among other similar things that the hon. H. C. Windham, the Secretary and Clerk of Enrolments in Jamaica, received for that office a sum of 4,500*l.* a-year; that he had been in possession of it since 1763, and during the whole of that time had resided in England. On the whole that gentleman had received a sum of 238,000*l.* of the public money for a sinecure office. The next person mentioned in the paper was the hon. Percy Windham, who had received from another sinecure office the sum of 334,000*l.* There were four other sinecures mentioned in the same paper, amounting in the whole to 1,062,000*l.*, which seven individuals had received, in the course of a few years, of the public money without doing any thing for it. Calculating interest and compound interest on the sums paid to these individuals, they would appear enormous, and the sum would be more formidable when it was recollected, that while the country had interest to pay on money borrowed, every farthing expended that was not merited, was so much abstracted from the means of paying the interest of our debt, and every such payment must be calculated at so much compound interest until our debt was paid off. For that reason he had always objected to pensions in reversion—for that reason he had objected to that granted to the Speaker by the late Parliament; and he had shown that Speaker Onslow and his son had, in that manner, received a sum of 389,000*l.* of the public money, for the fourteen years' service that Gentleman had rendered in that House. These statements were not exaggerated; for it was evident, that if the money thus expended on sinecures had been left in the public Treasury, it would have lessened the loans that had been contracted to that precise amount, and the country would have been so much the richer. He did not speak of individuals, but of the public revenue. The sums we paid were almost incredible, and, in order to pay them, we had often been obliged to have recourse to loans. He

complained of the last Parliament for not having done what they ought with regard to sinecures and useless places. The present Parliament would act differently and if he complained of the last Parliament, he did so, because he thought he had more right than any other man to make such complaints. One thing, however, had been gained, and it was a matter of great importance. If no other good had been obtained by getting the Tories out of the saddle, there was at least this—that the mystery of these places and sinecures could be kept up no longer. The people had now got behind the curtain, and the secrets were known. He asked this new Parliament—this Reformed Parliament—whether it was, or was not, prepared to start on sound principles? If it were prepared, let it go with him, if he proved that he was right. He should have little difficulty in establishing that point, if unshackled reason were allowed to act, and if hon. Members discarded all notions of temporary expediency. He could not believe that there was a man on the Treasury Bench who could refuse to accompany him in a division, let the result be what it might. It was material for him to show, that the principle he wished to fix was not new, for it was one which even an Unreformed Parliament had adopted. In the Session of 1809-10, a Finance Committee was appointed, of which Mr. Bankes, the late member for Dorsetshire, was the Chairman; and, among other matters, it made inquiries into pensions, sinecures, and reversions. The result of that investigation he (Mr. Hume) earnestly recommended to the attention of every man who was anxious to ascertain the amount of the evil, and the opinions of the day upon it. He referred the House, therefore, to the third Report of the Finance Committee and its voluminous appendages, in the understanding of which, the Orders made yesterday, on the Motion of the hon. member for Perth, and himself, would be of considerable assistance. That Finance Committee consisted of many men more conservative than any now sitting in the House; and nobody could accuse its Chairman of entertaining many, or perhaps, any of the opinions he (Mr. Hume) professed, excepting that, now and then, the desire of economy on the part of Mr. Bankes, and to diminish unnecessary expenditure, was, perhaps, stronger than that which existed even in his mind.

After great deliberation, two Resolutions, founded upon the Report, were brought before the House by the hon. member for Bodmin (Mr. Davies Giddy). They were proposed on the 31st of May, 1810, and the first was:—"That the utmost attention to economy in all the branches of the expenditure is a great and important duty." That Resolution was adopted by an Unreformed House of Commons, and he (Mr. Hume) only called upon the Reformed House to follow the example. The second Resolution was as follows:—"That for this purpose, in addition to the useful and effective measures already adopted by Parliament for the abolition and regulation of sinecure offices, and offices executed by deputy, it is expedient to extend the like principles to the abolition and regulation of such other cases as may appear to require and admit of the same." The Committee, after going through all the details with the most laudable industry, recognized this principle, and he hoped that the House would affirm it—that no money should be paid where services were not performed, or had not been performed. It would appear from the sixty-fifth volume of the Journals, that when these Resolutions were brought before the House, an amendment was made and adopted, stating that the principle in the Report should be extended as soon as his Majesty should be enabled to recompence extraordinary services by other means. A bill was accordingly introduced for the purpose, and under it some of the Members of the present Parliament, and others who were not Members, were in the enjoyment of pensions. Any hon. Gentleman, who would read the whole proceeding, could not fail to come to the conclusion at which he had arrived; that, after the passing of that Bill Government was bound to abolish all sinecures as rapidly as possible—some, indeed, as they had fallen in had been abolished, but the specific question as to military and naval sinecures had not yet been brought before Parliament. He now introduced it, and called upon the House to carry into other branches the principle adopted in 1810. It was particularly fortunate that since he had given notice of the present Motion, the noble Lord (Lord Althorp) had evinced a decided disposition to accord in it, by stating his intention to make it part of the Bill to reform the Irish Church, that sinecure benefices in that Church should

be abolished, where, for three years, service had not been performed. The noble Lord, therefore, could not get out of the difficulty otherwise than by going through with the principle: his notice clenched the matter, unless the noble Lord could show, either that an argument which applied to one branch of the public service did not apply to another, or that the State had some separate fund applicable to these payments. He was bound to suppose that the great mass of those who now supported Ministers were economically inclined; and, if any faith were to be put in words, there could be no doubt that the members of the Cabinet would rejoice in taking any steps to promote a saving of the public money. He might quote upon this point the declarations of many; but he would only briefly refer to a speech delivered by the noble Lord now on the Woolsack, when Mr. Brougham. To the right hon. Baronet, the First Lord of the Admiralty, he need surely not appeal on a question of this kind; he (Mr. Hume) was sure of his vote; he had been a pillar of Reform and retrenchment when out of office, and his speech on the sums paid to Privy Counsellors would long be remembered. He hoped the right hon. Baronet (Sir James Graham) would not now draw back; he took it for granted, that now he had the power, he felt bound to carry into effect his own principle. He (Mr. Hume) cared not a pin for the opinions of any man out of office, if, when in office, he did not adhere to them, and do his utmost to give effect to them. It was desirable, therefore, that the right hon. Baronet on this occasion, should satisfy the people of England, who looked up to him with confidence that he had not changed his sentiments.

Sir *James Graham* said, across the Table, that they were not changed.

Mr. *Hume* was glad to hear it; he had begun his reference to the right hon. Baronet by saying, that he did not think he could have changed. In the same spirit, Mr. Brougham, in a celebrated speech, had called upon the House "not to disregard the universal voice of the nation, loudly calling for retrenchment;" and after charging the then Government with not having paid due attention to that voice, he went on to complain, that "those who refused to listen to the call for economy, in utter disregard of the feelings of an insulted nation, proceeded from one

wasteful expenditure to another." He (Mr. Hume) did not mean at all to charge the present Government with doing so, and he only made this quotation to show the strong sentiments of Members who then sat upon the Opposition side of the House. Civil sinecures having thus been in a great degree abolished, he begged to ask what reason there was that military and naval sinecures should not share the same fate? He had been told that the amount was small; that it was not worth notice; and, that, at the present moment, old gallant officers ought not to be deprived of this paltry reward of their services. He remembered even to have formerly heard a Member enjoying one of these pensions, assert, that he thought it more honourable than a grant from Parliament. Sure he was, that no man in the army or navy who deserved well of his country, would fail to be amply rewarded by a vote of the House, and sure he was also, that had he the same claim upon the gratitude of his country, he should prize such a public tribute ten times beyond the value of any sinecure. Then he should form one of a band, not to be pointed at by the finger of scorn, but to be pointed out by the finger of admiration. On one occasion, when the right hon. Baronet brought forward the case of the Governor of Dartmouth, he (Mr. Hume) remembered that there was a division upon the question. Let not the House be startled at the small amount of the proposed saving; for, although the aggregate exceeded 33,000*l.*, the sum to which the particular vote applied was only 175*l.* One objection taken was, that the Governor was a civilian, not a military man; and it applied also to the Governors of St. Kitts and Montserrat, who had been appointed from parliamentary or family interest. He (Mr. Hume) admitted that such sinecures were often given to worthy men; but his objection was, that they were sometimes bestowed upon the unworthy, who stained the merit of all the rest. Since the last Parliament, General Loftus had been Lieutenant of the Tower. Who was appointed to succeed him? No doubt a person of high rank, of long standing in the army, and of eminent public services—the Earl of Munster. If that noble Lord had been brought before the House for the reward of his services, not a single hand would have been held up for him. Everybody knew how the thing had been

done, and he could hardly blame those, who, under the circumstances, had yielded. He did not instance the Governorship of Windsor Castle, because a Committee to which he (Mr. Hume) belonged, had abolished the salary, and he did not object to any honours that might be bestowed; they might be scattered as widely as anybody pleased, provided they were spread among the deserving. If they were conferred upon the undeserving as well as the deserving, the aristocracy must take care of themselves. But who was Lieutenant of the Tower now? Lord Frederick Fitzclarence, who had been appointed to the office after the Earl of Munster had been made Constable of Windsor Castle. This fact he had from the newspapers, and, as they sometimes told stories, for aught he knew, this might be one. But who was Lord Frederick Fitzclarence, and did he come within the list of old meritorious officers? If such an appointment had been forced upon Ministers, ought not the House to protect them from such influence? The same noble Lord had also an appointment in the Royal Household.

Sir *John Hobhouse* observed, that no salary was annexed to it.

Mr. *Hume* was glad to hear that. If the noble Lord served as an amateur, he of course could make no objection. If the noble Lord, however, had any real duties to discharge, he ought to be paid for them; for volunteer services from any men, where there was any business to be done, were not desirable. Like honorary secretaries, they were sure to slip into some good thing or other at last. Who was this gallant and deserving veteran who now held the Lieutenancy of the Tower? He entered the Coldstream Guards on the 12th of May, 1814, so that he had never heard a shot fired.

Sir *John Hobhouse*, the battle of Waterloo was subsequent to May, 1814.

Mr. *Hume*: True; he had forgotten the battle of Waterloo. Would any Member who cheered so loudly tell him that Lord Frederick Fitzclarence was at Waterloo? This was an instance, therefore, of the manner in which military sinecures were abused. He begged it to be clearly understood, that he wished to deprive no military or naval man of the due reward of his services, and he hoped that the country would never be backward in giving that reward; but he wished that all should be openly done, and then he

should not find, of the 130 Colonels in the army, so many who did not stand well even in the opinion of the army. He did not himself profess to be able to judge of the particular and individual merits of those officers, but he knew that not a few were indebted to family interest and influence. The House was not aware, perhaps, how many of these sinecures existed. The Governor and Lieutenant-Governor of Berwick were non-resident, and there were, besides, a Town Adjutant and a Major: when he (Mr. Hume) was last there, he had been curious to learn something regarding the garrison, and he found that it was a mere mockery so to call it, and there was not a single piece of artillery in the place. Wherever non-residence and no duties were combined, there ought to be no salaries; and he put it to the noble Lord whether he could maintain such a sinecure as that of the Governor of Berwick in the face of a distressed people demanding a repeal of taxation? He would be the first to resist any unreasonable expectation on the part of the people; he had done so, and he would do so again were it necessary, though, as they only erred from ignorance—and ignorance was fast disappearing—it was less likely that he should be required to oppose the public wishes. When he found the people from one end of the kingdom to the other, groaning under an intolerable load of taxation and calling for relief, it was his duty to point out any and every means by which they could be relieved, without impairing the efficiency of the public establishment. It was the duty too of that House to relieve the people at least to that extent, and as long as they confined their demands to that, he would give them his most strenuous support. Whether naval and military sinecures ought to be reduced immediately was not the question, but whether sinecures ought to be the means of rewarding services. It was a plain matter, and no mystification could confuse it. He would run over a few of the offices to which he objected;—The Governor of Blackness Castle was non-resident; the Governor of Carlisle and his Deputy were non-resident. At Chester he did not know whether there was or was not a garrison. He begged to say that he should be sorry needlessly to introduce any names, and would mention no more than those of the noble Lords of whom he had necessarily already

spoken. If Ministers were not strong enough to withstand the influence to which he had referred in those appointments, he said again, let the House of Commons interpose to protect them. If merit existed, let it be brought before the same House for its reward; and the claim, if well founded, would never be rejected. He was sure that the noble Lord and his colleagues meant to act honestly and fairly by the people, and he (Mr. Hume) could not help thinking that they would be most happy in the opportunity of showing their attachment to a sound principle, that reward should attend real services, while they were at the same time protected from undue influence. The Governors of the Leeward Islands, of the Virgin Islands, of Montserrat, of Grenada, St. Kitts, and Dominica, were non-resident, and two of them he believed were civilians. The salary for Dominica was 366*l.* a-year, and the others were lower. If the noble Lord, on the motion of the right hon. Baronet, voted against the Governor of Dartmouth, because he was a civilian, he was bound to vote against the two Civil Governors of St. Kitts and Montserrat. The right hon. Baronet (Sir James Graham) had recently laid down an excellent principle in the case of Sir Harry Neale; he said truly that the duties of Port Admiral and of Representative in the House of Commons were incompatible with each other. Hitherto it had been thought that a man could be in two places at the same time, but that notion was now going out of fashion, and he was happy thus to have another reason for expecting the vote of the First Lord of the Admiralty. While he contended for a plain and simple principle, he begged to defend himself against an allegation contained in several anonymous letters which had been sent to him or published—that he wished to deprive deserving officers of their few remaining rewards; on the contrary, he was ready and anxious to pay all according to their real merits; and only desirous that the undeserving should not be confounded with the deserving, and both mixed up in one common censure. He therefore proposed the two following Resolutions:—

“1st. That it is the opinion of the House, that the utmost attention to economy in all branches of the public expenditure, which is consistent with the public service, is at all times a great and important duty.

"2nd. That the existence of sinecure offices, and offices executed by deputy, in the Army and Navy Departments, is unnecessary and inexpedient as a means of remunerating public services." He hoped he had made himself understood, and that he only called upon the House to act upon a principle which had been recognized in 1810 and several times since. If economy were not to be practised with regard to sinecures, how would it be possible to retrench the salaries of the offices to which some, and, perhaps, very useful duties were attached. He would leave the question in the hands of the House. What might be the result he knew not, for he only spoke his individual opinions, and had not even asked a Member to second his proposition.

Mr. *Robinson* seconded the Motion, though he had formed no previous concert with the hon. member for Middlesex, and he sincerely declared, that as a Member of that House, he felt that his hon. friend had made out a strong case which showed that, in the aggregate, those sums did press heavily upon the community, and exhaust the resources of the country. Bearing in mind the declarations formerly made by the noble Lord and his colleagues, he should certainly be very much surprised if they, this evening, came forward to defend the system which it was the object of the hon. member for Middlesex to abolish. That hon. Member was entitled to the best thanks of the House for taking this early opportunity of directing its attention to the subject; because, as he properly stated, no notice had as yet been given by his Majesty's Ministers of any intention on their part to bring forward measures for the reduction of taxation, the retrenchment of expenditure, or the abolition of sinecures. This, as the hon. Gentleman remarked, was a very great omission, because it had created a doubt in the minds of the people, as to whether Ministers meant to fulfil, or not, the pledges which they gave previous to their coming into office. He knew that, on former occasions, the noble Lord, the Chancellor of the Exchequer, defended these naval and military sinecures, and, therefore, it would not be inconsistent in him, if he should now oppose the abolition of them. At the same time, he put it to the noble Lord to consider, whether, in the present state of the country, and in the high situation which he filled, he would consider it judicious to repeat the

opinions which he had previously expressed upon the subject, and continue his opposition to the removal of these sinecures? The hon. member for Middlesex had shown how these sums, in the aggregate of a long course of years, pressed upon the industry and the resources of the country; and he had put it to the House to say, whether, when they were so earnestly called upon by every class of persons, from every district in the kingdom, to reduce taxation and relieve the burthens which bear so oppressively upon the industrious classes, it was possible that these sinecures could any longer be defended, or any longer be allowed to exist? What had been the defence hitherto set up for their continuance? That they were given as rewards to meritorious public officers, and considered as a more flattering and more honourable mode of conferring such rewards, than an immediate grant from this House would be. That proposition involved two or three considerations; the first of which was—whether, looking at the practice that had been heretofore followed, these pensions had been conferred upon the ground of service, or whether they had been given in consideration of some connexion, public or private, with the Minister of the day? Such certainly was the fortunate situation of the present Ministry, that they were not exposed to the necessity of resorting to such a despicable system to maintain their influence in this House; but he was inclined to agree with the hon. member for Middlesex, that in dealing with this question now, they were not to consider whether the present Ministers were or were not likely to resort to so pernicious a practice in order to increase their strength, but to guard against the possibility of a renewal of the abuse on any future occasion. The only security that the Government could give the House, was to adopt the Motion of the hon. member for Middlesex. But there was another reason, and a most important one, upon which he called on the House to support that Motion—he meant the good effect which, he was satisfied, the affirmation, by the House, of the principle laid down by the hon. member for Middlesex, would produce throughout the country. It would afford to those who, in a distressed and excited state, were now anxiously looking to the proceedings of Parliament, a distinct evidence of the sincerity of the Reformed House to act

upon principles diametrically opposed to those adopted by previous Parliaments, and which had reduced the country to its present depressed condition. If his Majesty's Ministers, therefore, should to-night think proper to oppose this Motion, he sincerely hoped and trusted that the House—if the arguments advanced against the present proposition should be as sophistical and unconvulsive as they had been on former occasions against similar propositions, would by its vote, convince the Government that the period for the continuance of such abuses had for ever passed away. But he hoped better things from the present Ministry: he trusted that the noble Lord would see that he was called upon, on the first assembling of the new Parliament—at the commencement of a new era in our history, to affirm or to oppose a principle involving, in point of fact, nothing more nor less than this consideration—shall any portion of the public money be, for the future, applied to the support of persons who perform no service to the State? He perfectly agreed with the hon. member for Middlesex, that it would be impossible that the case of any meritorious officer should ever be brought before this House, without obtaining such a compensation, as the nature of his services would entitle him to expect. He had ever been of opinion that the proper mode of rewarding those officers was not in the mode hitherto practised, but by applications to the House of Commons, which he was sure would not reject any case of real desert. Upon these grounds, then, he gave the Motion his most cordial and hearty support, and expressed great pleasure in seconding it.

Lord Althorp said, that he entirely agreed with both the hon. Members who had just spoken, that it was the bounden duty of that House to put an end to all expenses which could not be proved to be necessary. That was a general proposition in which he concurred; but it was necessary to look at the question before the House, both with regard to its own merits, and the time at which it was brought forward. When the estimates came under discussion, the hon. Member and the House would have an opportunity of expressing an opinion, by a separate and substantive motion, on every one of those places, which he must say, he thought had been improperly

called sinecures, inasmuch as they came annually under the consideration of Parliament. He thought, therefore, that the hon. member for Middlesex would have done better had he postponed the discussion of the question until the Estimates were submitted to the House. The hon. Gentleman was well acquainted with his opinion on the subject. He was sure that the hon. Gentleman would do him the justice to acknowledge that when sitting on the other side of the House he was pretty consistent in his adherence to, and support of every measure of public economy; yet he felt so satisfied that these places ought not to be abolished, that upon every Motion for their extinction he had always separated himself from the hon. member for Middlesex, and voted against him. He stated this merely as a proof of the strength of his own opinion on the subject. The hon. Gentleman said, that he had no desire to deprive meritorious officers of compensation for their services, but that his object was to prevent those who had performed no services from receiving the public money. That was precisely what the hon. Member would have a far better opportunity of effecting when the Estimates came under discussion. The hon. member for Middlesex, in the course of his speech, seemed to imply that Ministers had deserted the principles which they professed on accepting office, and had taunted his hon. friend, the First Lord of the Admiralty with not carrying into effect those economical measures which he advocated on the other side of the House. Now, he appealed to the House to decide whether his hon. colleague was such an uneconomical Minister as he had been described by the hon. member for Middlesex? Had he not reduced the Navy Estimates, and abolished a great number of places in the navy department and the admiralty, by which a great saving had been effected to the public? The hon. member for Middlesex had gone back to the year 1810, at which period he (Lord Althorp) was, as at present, opposed to sinecure offices. The hon. Member, however, seemed to misunderstand the resolution of the House at that period, for it was limited to the abolition of sinecures for persons who were provided for by other means. It had been stated that when any cases of officers deserving public reward should be brought under the notice of Parliament

they would meet with due attention. He was very much afraid that, in dealing with a case of hardship, the House would allow itself to be carried beyond the merits of the question. That, he believed, would be the fault of any popular assembly, and there was a much greater likelihood that the House would grant a larger sum of money in such cases than justice required. In a constitutional point of view, too, there was an objection to allow the House to dispense rewards to officers of the Crown. It always had been considered, and always must be considered, in a mixed monarchical government, that the disposal of patronage of that kind rested with the King. For both those reasons he was disinclined to take the course recommended by the hon. member for Middlesex. He thought it absolutely necessary, unless they were prepared to increase to a very great extent the expenditure for the efficient service of the country, that there should be some means of rewarding individuals who had deserved well of their country. If that was desirable with respect to the general service of the country, it was more peculiarly so as regarded the military service, than which, as every one knew, no service was more inadequately paid. It was a service which called upon those engaged in it, to hazard their lives, and suffer the greatest hardships for the sake of their country; and he certainly thought it would be most cruel and ungenerous treatment to leave them to pass the last portion of their existence without the means of comfort. The hon. Gentleman had, in very strong language, denounced sinecures. Did the hon. Gentleman mean to say, that no public money ought to be paid to any person who was not on actual duty? If that was the hon. Gentleman's meaning, he begged the House to reflect upon the length to which such a proposition would carry them. He repeated that he saw great objection to the vague and general manner in which the question had been brought before the House, and he thought that the hon. Member would have acted better if he had waited until the Estimates came under consideration. The hon. Gentleman had stated, that there was a certain number of sinecure Lieutenant-governorships in the West-India Islands. It certainly was the case, that sinecure places formerly existed there but an alteration had been made with

respect to them by which a great saving had been effected. By the new arrangement one General-governor was appointed for several islands, and resident Lieutenant-governors were nominated for the smaller islands. In this manner all the sinecure offices were abolished, and a saving of 17,000*l.* or 18,000*l.* effected to the public. In consequence of residence being now exacted from the Lieutenant-governors of these islands, Sir James Bathurst, who was formerly one of those officers, was obliged to resign the situation. That gentleman had, for a long period, been in the performance of public duties, and his health had been impaired in the service. He had been Military Secretary and Deputy Quartermaster-general in the campaign of the Peninsula, and it was impossible for the Crown to overlook his merit. That was not a case which Ministers could have brought before the House, but it was just such a case as called for compensation, and his Majesty had therefore been advised, as a reward for his services, to appoint him to the Governorship of Berwick, one of those situations which it was the object of the hon. member for Middlesex to extinguish. He did not mean to say, that these places might not be improperly disposed of, but hon. Members ought to bear in mind that they could not be paid without the annual consent of Parliament. Taking this view of the case, and being of opinion that the present was not the proper time for discussing the question, though he had not the slightest objection to the first Resolution, he felt it his duty with respect to the second, relating to military sinecures, to move the previous question.

Colonel *Davies* thought, that the noble Lord complained without any reason that the present was not a proper or a convenient time for a discussion of this question. The noble Lord said, that a better opportunity would be afforded for considering the propriety of continuing these sinecures, when the Estimates were laid before the House. But—if he mistook not—the object of the hon. member for Middlesex in bringing the subject forward thus early, in a separate form, was to prevent any further appointments being made, in the interval which must elapse before the introduction of the Estimates. For his part, he was decidedly of opinion, that his hon. friend had adopted the right course; because he was convinced that

the subject could never be properly discussed in a Committee of Supply. For the House to declare, by a separate and distinct vote, that it would no longer sanction these sinecure places—and thus abolish them at once—would leave open very little room for complaint; but nothing would appear more cruel, than annually, when the Estimates came before the House, to rip up some old grievance for the purpose of attacking these sinecurists individually and in detail. As it was his intention to support the Motion of his hon. friend, he wished to take this early opportunity of explaining his reasons for doing so. He should be the last person who would wish to do anything harsh against men who braved the enemies of their country in every quarter of the globe; and who by their acts, had cast an imperishable lustre over its history. Far be it from him to say that such men should go unrewarded; but they were contending against a bad principle. The whole system upon which the retirement of military officers was regulated, was decidedly bad and not unfrequently, reduced old officers to a situation of the most cruel embarrassment—being, in a pecuniary point of view, little superior to that of menial servants. That system he wished to see changed; and if the noble Lord would consent to the reduction of sinecure places, he would be enabled to better the condition of those officers, who, under the system to which he had alluded, were not fairly treated. By doing away with sinecures, the allowances to staff-officers might be increased, and justice done to many active and deserving officers,—that would satisfy the public, besides saving expense. For these reasons—believing, also, that these sinecure appointments, instead of being bestowed on meritorious persons, were given to individuals whose only claim to the favour of Government was the possession of Parliamentary influence—he should give his cordial support to the Motion of his hon. friend, the member for Middlesex.

Mr. *Maurice Berkeley* thought it quite impossible for any person who was acquainted with the sufferings and distress of the labouring portion of the people to oppose the abolition of sinecure places. He should therefore give his support to the present Motion; but in doing so, he begged to be understood as having a full confidence that Ministers would go on with those wholesome measures of economy

and retrenchment which they had begun. He knew that his constituents, a numerous body, had, like himself, great faith in Ministers; but, at the same time, they felt that the country could not prosper without the most rigid economy, and he, therefore, was grateful to the hon. member for Middlesex, for having brought forward this Motion.

Lord *George Lennox* was ready to support the first Resolution, but he could not give his assent to the second. The question was, whether that House or his Majesty was to bestow rewards on public servants. He agreed with the noble Lord (Lord Althorp) that this question would be more properly discussed when the Estimates came under the consideration of the House. He did not approve of the policy of abolishing these sinecures. A noble relative of his, the Duke of Gordon, was colonel of the 1st Royals, a regiment that had been in India for the last twenty-four years. The noble Duke's situation was undoubtedly a sinecure.

Mr. *Hume*: It is not a sinecure.

Lord *George Lennox*: The hon. member for Middlesex said, it was not a sinecure, while the hon. and learned member for Dublin seemed, by his cheering, to have a different opinion of the subject. He would leave them to settle the matter between them; but he was ready to admit that, in his opinion, the situation was a sinecure. Still he doubted the policy of abolishing such sinecures. If they did away with these places, in what situation would they place the officers of the army? Let them recollect that a major-general, after having risked his life for thirty or forty years in the service of his country, and spilled his blood, had not more than 17s. a-day. Would they, then, take out of the King's hand the power of rewarding those deserving officers? He was one who had not pledged himself to any particular line of conduct, but he was inclined to give the Ministers his support. He must, however, vote against them, unless they conducted the Government of the country on principles of the strictest economy.

Mr. *O'Connell* said, that the hon. member for Middlesex and himself would very soon come to an understanding with respect to the sinecure which had been mentioned by the last speaker. That sinecure did not fall within the terms of the present Motion; but if the present

Motion were successful, it would fall within the terms of the next. It appeared to him that there was no sinecure more deserving of the notice of the House of Commons than the one which had been mentioned by the noble Lord (Lord G. Lennox). Here was a noble Duke possessing large estates and a vast income, who received a considerable portion of the public money for which he rendered no service. That was a state of things that could not be continued. The Reform Bill was intended to give good and cheap government. Were not the people, he asked, from one end of the kingdom to another, actually screaming for a reduction of taxation? But how could they take off taxes when they would not consent to the abolition of these sinecures? They ought to come at last to common sense; and if real services had been performed, to pay them, not on false pretences, but on real and acknowledged grounds. If it were the prerogative of the Crown, as the fountain of honour, to bestow these offices of dignity, it was the duty of the House of Commons, as the guardian of the public purse, to say, that no part of the treasure within that purse should go to the support of those who had not deserved those dignities by the gallantry of their exploits. The noble Lord had said, that this question was a mere question of time, as the propriety of each of these offices might be discussed on the Estimates. Now he thought that it would be much better on the present occasion to establish a general principle, rather than enter into an invidious examination of each case upon the Estimates, when addresses would be made to their compassion, and they would hear a great deal about the charming wife and amiable family of each officer who was to be mulcted of his appointment. He put it to the Reformed Parliament thus—"Will you or will you not vote for the abolition of sinecures?" Upon that point let us divide. When the House asked Ministers for the Repeal of the Assessed-taxes and for the reduction of the Soap-duties, what answer did the House expect to receive from Ministers? He would tell them what answer the House would get. Ministers would say, "The public service requires these taxes." Then let the House deprive them of that pretence by insisting that the public money should not be expended upon those offices to which no public duties

were attached. He contended that Ministers, by opposing this Motion, had fairly thrown the question of "sinecure, or no sinecure," before the public. The pauper list was extending not only in Ireland, but also in England. They had heard that even in England there were families famishing—for they could not be said to be living—on a wretched pittance of $2\frac{1}{2}d.$ a-day. Would they, under such circumstances, think of continuing these naval and military sinecures? The question before them was simply this—"Will you, the Members of the Reformed Parliament, by your first vote, continue, or will you by your first vote, abolish sinecures?" On the manner in which they answered that question would rest their future character and estimation with the country.

Mr. *George Williams* merely rose to briefly state his view of the question. It was his unbiassed opinion that all extravagance in the public expenditure should be immediately put a stop to. He said it was his unbiassed opinion, as he was not influenced by any promise or pledge made to his constituents. Indeed he stood there in a most peculiar situation. It was with the greatest unwillingness that he accepted the honour of a seat in that House, to which he was sent in direct opposition to his own inclination. He never sought the honour of a vote in that assembly; for, to tell the truth, he never saw his constituents, nor did they even know him. He repeated, his constituents never knew nor saw him, until he went among them to thank them for the confidence they had placed in him by electing him as their Representative. Upon what ground, then, did they elect him? Why, they just knew enough of him to be convinced that he was an unflicking opposer of all useless public expense. They knew this because he had opposed all extravagance within his local power, in the hundreds and parishes in the vicinity of his residence; consequently it was not surprising that he should now publicly support measures of economy. He should be glad, if he could do so conscientiously, to support the present Ministers, because he thought them honest; indeed the only honest Ministers that had governed the country for many years. Yet if they failed in their promises of economy—and they had made solemn ones, still fresh in the minds of the people—he would not hesitate one moment in

withdrawing from them his support. Ministers might have their considerations for not consenting to certain reductions, but he would tell them that the first of all considerations with them ought to be the persons who contributed to the grants they disposed of. There was much poverty prevalent in the country, and he knew many of his own constituents who were in absolute want. He had been among them and through them; and he saw, that they were but one instance of that extraordinary mass of distress which was so general throughout the country. He would never consent to one shilling—he said emphatically one shilling—being spent which was not absolutely essential to the public service.

Sir *James Graham* assured the hon. Member, who had just sat down, that as one of his Majesty's Ministers he was grateful for the confidence which the hon. Member had expressed himself ready to repose in them, and that he was ready, in common with the rest of his colleagues, to enforce every measure of real economy which prudence dictated, and the efficiency of the service duly warranted. Unlike the hon. Member, whose constituents had neither known nor seen him until after his election, he had been for the last four or five years connected with a large constituency, which both knew and saw him. Among them he had passed his life—to them he had pledged himself to pursue the most rigid economy—and before them he should be ashamed to appear again, if he were to fail to fulfil his pledge even to the very letter. Anxious as he was upon all questions to stand well with his constituents, he was more particularly anxious to stand well with them upon this; for he admitted that this question, as it had been presented to the House by the hon. member for Middlesex, and the hon. and learned member for Dublin, was one of great public importance. The hon. member for Middlesex had reminded him of the conduct which he had pursued whilst sitting on the other side of the House, and had paid him the compliment of saying, that whilst in opposition he had used every exertion in his power to enforce economy in every department of the State. The hon. member for Middlesex had recollected that his noble friend, the Chancellor of the Exchequer, with whom he (Sir J. Graham) had co-operated both in office and out of office,

had always abstained from voting with the hon. Member on this question. The hon. member for Middlesex had probably forgotten the conduct which he (Sir J. Graham) had also adopted upon it, or else the hon. Member must have known that he had differed from him, and had voted with his noble friend, the Chancellor of the Exchequer, from a firm conviction that, with one or two exceptions, these military and naval Governments (for he would not call them sinecures), could not be abolished with advantage to the public, either in a political, a moral, or an economical point of view. One of the exceptions to which he was alluding was the Governorship of Dartmouth Castle, which was held not by a military officer, but by a civilian, and the others were the Lieutenant-governorships in some of the smaller West-Indian islands. What had been the course which the present Administration had pursued with regard to these exceptions? They attempted to carry Dartmouth Castle by storm—they advanced gallantly to the attack, but, as the House knew, they were signally defeated. But having carried the question of Reform, and by carrying that question having destroyed the influence which previously nominated the two Members for the borough of Dartmouth, they did not hesitate to withdraw the salary from the Governor of Dartmouth Castle, who, he ought to state, was also the proprietor of the borough. The House would also have the goodness to recollect, that with regard to the other exception, the West-India islands, his noble friend, the Chancellor of the Exchequer, had that evening announced to them, that the salaries of the Lieutenant-governors of those islands, when they were not acting Lieutenant-governors, would be withdrawn. The question, therefore, which the House had now to consider, was this:—"Are these naval and military appointments sinecures?" He should contend that they were not. Before he entered into the discussion of that question, he would, with the permission of the House, notice the doubt which the hon. member for Middlesex had insinuated respecting his (Sir J. Graham's) non-fulfilment of his pledges of economy. It did not become him, as a member of the Government, to boast of what he had done in that respect, for he readily admitted that a public servant was doing nothing more than his duty in accomplishing all

possible savings of the public money. He claimed no merit then for what he had done; but he thought that, without incurring the charge of presumption, he might mention that, since he had had the honour of holding the situation of First Lord of the Admiralty, he had, in the Estimates of the navy, made a reduction of 1,000,000*l.*, or of nearly one-fourth of the whole previous amount for the effective establishment. He had done that without diminishing the efficiency of the navy, and after the retrenchments of an Administration which he believed was sincerely disposed to act with great economy in every branch of the public service. He had also the satisfaction of announcing to the House, that in the Estimates for the present year, which he should present at no very distant day, he had carried the large reduction of last year still further, and should again have the satisfaction of laying before the House a much reduced estimate. As the subject of patronage was also before the House, he hoped that he might be forgiven for stating that, in addition to the inferior clerks whom he had been compelled by a sense of duty to discharge, though with great pain to himself, on account of the individual suffering which their discharge too often created, he had got rid of twelve Commissioners, some with salaries not below 800*l.* a-year, and some with salaries of 2,000*l.* a-year, and all forming and commanding that species of patronage which it was generally deemed most desirable for an Administration to possess. He should do great injustice to his colleagues, if he took the merit of these reductions to himself, when they had all concurred with him in the propriety of making them. The department over which he presided had given him some peculiar advantages, of which he had availed himself; but he assured the House that his colleagues, each in his respective department, were acting upon the same principles, and engaged in the same work of economy and retrenchment. There had been effected during the last year in all the departments of the Government, a saving in the amount of official salaries of 284,000*l.*, and the whole reduction in the Estimates amounted to 2,800,000*l.* Had this reduction been a mere barren reduction of office? No, it was accompanied by a reduction of taxation to the amount of 1,800,000*l.* The deficiency in the revenue had now ceased

to exist, and he believed that his noble friend, the Chancellor of the Exchequer, would this year, for the first time for many years, have it in his power to prove, to the satisfaction of the House, that we had a *bond fide* surplus of revenue above expenditure, arising not from new taxes, but accompanying diminished taxation, and an economical management of the public purse, committed to their charge. He had been led into this statement, which was not exactly germane to the subject before the House, by the insinuations of the hon. member for Middlesex; but he was sure that no man in the House would feel more pleasure than his hon. friend in finding that the assurances given to him by Ministers whilst they were his co-operators on the other side of the House had not been empty boasts, but that they had been fulfilled by their efforts to effect retrenchment, and to reduce taxation, redeeming their pledges to the full extent which the exigencies of the public service would allow. With respect to the specific question before the House, he believed that these naval and military offices, with the emoluments attached to them, could not be discontinued without materially impairing the efficiency both of the army and of the navy. The hon. and gallant member for Worcester (Colonel Davies) had objected to this mode of remunerating our naval and military officers; but as the hon. and gallant Member knew that a lieutenant-colonelcy could not be purchased for less than 4,500*l.*, he had a right to ask the hon. Member whether, from his knowledge of business, he was not aware that if any young man invested that sum in the purchase of an annuity, he would obtain for it a much larger annual income than the pay of a Major-general, though he might get that for twenty years? The hon. and gallant Member proposed to give to naval and military officers, instead of these offices, an increased amount of pay; but he (Sir James Graham) was of opinion, that such a mode of proceeding would not only be contrary to the first principles of economy, but that it would be a premium on mediocrity, to withdraw great rewards for superior merit. He knew that he was speaking in the presence of many naval and military officers, and that it was at all times difficult to analyze the different motives which impelled men to great exertions. He believed, however,

that no professions were so little influenced by mere mercenary motives, as the army and the navy. The motives which influenced the members of them to "spurn delights, and live laborious days," were of a mixed nature;—first and foremost came the love of fame and personal distinction, and next came that perpetual longing after home—that never failing hope, that when danger was confronted and victory won, they should have the means of retreating into a safe and easy retirement, in which their country would provide for the comforts of their declining days, in return for their having spent their early years in battling for her safety and for her glory. He thought also that pecuniary motives, though certainly they were not the chief motives, were not, and certainly ought not to be, entirely lost sight of. He said, that the country would never obtain great exertions from its naval and military officers, without holding out to them some hope of pecuniary remuneration; and the question therefore was, in what mode should that pecuniary remuneration be made? It was undoubtedly part of the patronage of the Crown to appoint to these offices. The Crown had a right in the first instance to appoint to commands; it had next the power of punishing those whom it appointed to commands, if punishing were necessary; and it would therefore be extremely hard, if when it had the power of punishing, it had not also the power of rewarding such of its servants as distinguished themselves in the hour of battle. In what situation, then, was the question at present? The Crown appointed to commands, but the House checked the money expenditure necessary to support them. Had the Crown the power of affixing salaries to those appointments in the mode of pensions? Certainly not. These appointments differed from pensions, inasmuch as the emoluments did not attach to the offices, but passed annually under the revision of the House of Commons, which had the power of marking its dissatisfaction with the claims of those who held them, by withholding the salary usually paid for their support. The right of appointment was vested in the Crown; the power of voting the money was the privilege of the House; and in that view he thought that the Resolutions of the hon. Member interfered directly with the prerogative of the Crown. He had stated his opinion on the principle of this

Motion, and he would proceed to state certain facts connected with his own department, in order to show, that in office he had not disregarded the opinions which he had formerly expressed when out of office. When he first went to the Admiralty, he found that five royal yachts were then in commission. One of them, he was given to understand, was connected with the service of the Lord Lieutenant of Ireland. He had found it consistent with the public business not so to employ it longer, and he had great satisfaction in stating, that it was with the full satisfaction of the Lord Lieutenant of Ireland that he had had that yacht paid off. It had been found necessary to appoint Superintendants in the yards at Woolwich and at Pembroke. He thought that the services of the two officers who commanded the royal yachts at those arsenals might be made available for that purpose; and he had in consequence converted them from Commandants of the yachts into Superintendents of the yards at those two places. He had thus converted two sinecure offices into real and efficient offices. Two yachts still remained in commission, and he put it to the country whether, with a naval King upon the Throne of these realms, it was to be considered preposterous to have two yachts always ready for the King and his family? Would the House withdraw from his present Majesty that which all the Sovereigns of this country had enjoyed since the period of the Revolution. Unless the House should decide against him by its vote, he certainly should persevere in keeping up two royal yachts. The question, then, as far as it regarded his department, was narrowed to the propriety of continuing to have two Generals of Marines, four Colonels of Marines, a Vice-admiral, and a Rear-admiral of England. The whole amount of salary received by the whole of these officers was 4,740*l*. Although the sum was small, he admitted that if the principle on which it was paid was wrong, it was the duty of the House, however small the sum might be, to interpose its protecting arm, and to say, that the country would no longer bear it. He would venture to read to the House the names of the Vice-admirals and Rear-admirals of England since the first creation of their respective offices; and he challenged the House to say, that the salaries attached to these appointments had been

misapplied, if signal services and eminent gallantry, displayed in a hundred fights, had any claim upon the gratitude of the country. The names of the Vice-admirals of England appointed since the year 1781, when the office was first created, were, Lord Rodney, Lord Howe, Lord Bridport, Admiral Cornwallis, Admiral Sir William Young, Lord de Saumarez, and Lord Exmouth; and since the death of the last named gallant hero, he (Sir James Graham) had appointed Admiral Sir Edward Thornborough to be his successor. That gallant veteran was one of the oldest officers in the navy, and could boast of having spent forty years in the service of his country. He was a Lieutenant when his present Majesty first went to sea, and, what was more, he was Lieutenant in the same ship in which his Majesty himself served. His Majesty was desirous of marking his sense of the services rendered to his country by Sir Edward Thornborough, and, in obedience to his Majesty's commands, he had appointed him Vice-admiral of England. When the Navy Estimates were brought forward, that appointment would necessarily come under the consideration of the House. The reasons why he had recommended Sir Edward Thornborough to the office which he now held would then be discussed. If he should be unable to vindicate the appointment, the hon. member for Middlesex could move the House to withhold the salary usually attached to it. [*Mr. Hume*, "No, no."] Would the hon. Member shrink from that task if he thought the reduction of the salary due to the public? If he would, then had he degenerated sadly from that firmness of principle which formerly distinguished him. He would next proceed to read to the House the names of the Rear-admirals of England within the same time. They were—Sir Alexander Hood, Lord Howe, Lord Bridport, Admiral Cornwallis, Sir William Young, Lord de Saumarez, Lord Northesk, Sir Thomas Foley, and Sir George Martin. He had himself appointed Sir George Martin to that office since the Estimates of last year were voted. What, he would ask, was the day upon which this Motion was made?—the 14th of February, the anniversary of the battle of St. Vincent. Sir George Martin was the personal friend of the immortal Nelson. In that battle Nelson's ship was, as many Gentlemen would recollect, much crippled; and,

finding that he should be obliged to quit it, he selected the ship commanded by Sir George Martin as that to which he would remove his flag. The office to which he had appointed Sir George Martin was an office famous for its dignity, and had therefore great attraction in the eyes of naval officers; but what were its emoluments?—385*l.* a-year. What did they suppose the emoluments of the office of Vice-admiral to be?—480*l.* a-year.—As to the propriety of retaining the office of General and Colonel of Marines, he would merely state, that Lord Nelson and Lord Collingwood had both been Generals of Marines, and that in the list of Colonels of Marines were to be found the names of some of the most gallant officers that had ever graced the British navy. The emoluments of these officers were small, but the stimulus which they afforded for gallant deeds, and heroic exertions, was incalculable; and, in his conscience, he believed that he should betray the King whom he served, and what was more, the people whose servant he was proud to be, and whose approbation he was eager to secure, if, in seeking the transient popularity of the hour—a popularity of insignificant value, when compared with that permanent and durable good-will which the people always showed to those who honestly sought their real interests, he consented to a Motion, which, if it were carried, was calculated to unnerve the energy, and to decrease the efficiency both of the army and navy. He was sure that if the House continued firm to the principles on which it had so long acted towards both, the two services would transmit to the latest posterity, the glory of our arms untarnished, and the honour of the country unimpeached.

Mr. *Roebuck* thought it was a strange sight to witness Ministers, while professing themselves the uncompromising advocates of Reform and retrenchment, fighting the battle, as it were, for every old abuse connected with the public expenditure, and squandering the money of the people, as if their funds were inexhaustible. What was the nature of the present Motion? The resolutions which the hon. member for Middlesex had moved went simply to establish a principle—a principle which he denied any real friend of that retrenchment in the public establishments, which the people expected, could oppose. To the first of the resolutions the noble Lord

(the Chancellor of the Exchequer) had expressed himself favourable, and from the second he had only dissented because he did not think the present was the proper period for bringing it forward.

Lord *Althorp* denied, that he had expressed himself favourable to the second resolution.

Mr. *Roebuck*: "then I am to understand that the noble Lord (the Chancellor of the Exchequer), one of the principal Ministers of his Majesty's Whig Administration, an administration professing Reform and retrenchment, does not wish to do away with sinécures?" What would the people think, when they found that Administration giving the whole force of their powerful opposition to the first attempt at economy of a Reformed Parliament? The object of the hon. member for Middlesex was to send forth to the country some assurance that an end would be put to that odious system under which the people of England were taxed for the payment of exorbitant pensions and unmerited sinécures. The right hon. the First Lord of the Admiralty, thought it would be an act of immorality to curtail the patronage of the Crown. In his (Mr. *Roebuck's*) opinion, it was much more immoral to continue the distress of the country by the maintenance of their present burthens. It was true the emoluments in question were small, but the condition of the people imperatively demanded that every penny should be saved in every department. He did not think the right hon. Baronet (Sir James Graham) expressed a very complimentary opinion of the army and navy, when he laid down the position that it was necessary to place at the disposal of the Crown, posts of emolument and honour, to induce gallant officers to do their duty. If such a position was just, he (Mr. *Roebuck*) entertained a very erroneous opinion of those individuals who composed the officers of his Majesty's service. The noble Lord (the Chancellor of the Exchequer) had adopted a similar position to that laid down by the right hon. Baronet. That noble Lord asserted that, by taking off 7,000*l.* of the public expense, the House would ruin the service. It was, indeed, paying the service a poor compliment, to say that the paltry sum of 7,000*l.* formed an officer's sole inducement in the performance of his duty. As to the right hon. Baronet (Sir James Graham's) argument, that it was superfluous in the House

to vote a resolution respecting sinécures, as an opportunity was annually afforded on the bringing forward the Estimates, to withhold the salary attached to them, he had only to observe, that, in his opinion, it would be better to reverse the order of things, and defer making appointments until Parliament had voted the salaries. At present appointments were first made, and then the House of Commons was placed in the unpleasant situation either of wasting the public money or deceiving expectations. The noble Lord (the Chancellor of the Exchequer) had talked much of the proneness to liberality which the House of Commons always manifested. The noble Lord had not as yet tried a Reformed House of Commons. When he did so, he (Mr. *Roebuck*) trusted that that proneness to liberality would be transferred from particular individuals to a whole nation. [*Cries of "Question" and "hear."*] He would not persevere in his remarks if those interruptions continued. Perhaps his mode of address was not considered captivating enough to obtain attention from the House. The subject of the reduction of expenditure, and of the taxes, was one to which the people seemed more awake than any other. He should, for his own part, perhaps, prefer that it were not so, but he knew it to be a fact, that stronger opinions were held on these subjects than on any other. There were some taxes which were peculiarly odious, and which had called forth the loudest expressions of disapprobation throughout the kingdom. He alluded especially to the Assessed-taxes, the taxes on houses and windows, and the taxes on knowledge. When it was suggested to his Majesty's Ministers that those taxes should be taken off, the answer was, that it was impossible to abolish them, because the necessary expenses of the kingdom could not be met without them. He would beg to ask the noble Lord, the Chancellor of the Exchequer whether it would not be better to reduce the expenditure which made those taxes necessary, than by persisting in it, to endanger the peace and security of the country. The evil of over taxation was not alone the distress it created among that class on whom the taxes fell most heavily, but the disunion and jealousy it created between the lower classes and the higher, because the lower classes were apt to throw upon the higher classes the blame of all those evils which re-

sult from that over taxation. Another great evil complained of, as connected with the national debt, was, that it was ruinous to public morality. He did not know whether the noble Lord opposite thought that there was any public morality, but he could assure the noble Lord that there was such a thing. He would go further than the hon. Member who introduced the subject under discussion to their notice, in the principle which he adopted. That hon. Member had moved a resolution, to the effect that sinecures were inexpedient as a means of rewarding public service. He (Mr. Roebuck) would go further—he would not pay where no services were performed—neither would he pay over-much for services performed. He would proportion the remuneration to the service. Moreover, he would save every item of expenditure, however small, that could be saved. Sinecures must be done away with, in order to meet the expectations of the country.

Major *Beauclerk* rose, amidst loud cries of "Question, question." He would only detain them for a very few minutes. He was convinced from his knowledge of military men—and he knew very many—that nothing was more hurtful to the army in general, or more disagreeable to the majority of the officers both of the army and navy, than those sinecures. He knew it to be the case; for nothing could be more disagreeable to them than the collision into which those sinecures brought them with the people, and the bad feelings they created throughout the country. They did not object to the particular services performed by officers being rewarded, and well rewarded; but they objected to the system of officers obtaining sinecures, not for services performed, but because they happened to have powerful friends in that House. It was amusing to hear the right hon. Baronet (the First Lord of the Admiralty) talk as if sinecures and pensions were always given to men of merit, and to men of merit only. He would grant that since that right hon. Gentleman was in office men of merit had been advanced to posts of honour and emolument; but he would beg the House to look to the service in general, and say whether the men who deserved best of their country for their services were those who enjoyed sinecures, or whether it was always merit which met with the greatest reward? He thought that the reverse of that proposition was very

apparent in the public service, whether civil or military. He confessed that he felt much surprised at the manner in which the noble Lord, the Chancellor of the Exchequer, had expressed himself towards the hon. member for Middlesex, in alluding to the taunt thrown out by that hon. Member against the hon. member for Cumberland, for not being so economical in his government, now that he was in office, as he was in his professions when he sat on the opposite side of the House. He (Major *Beauclerk*) could not forget that the right hon. Baronet was a member of that Ministry which, in the last Parliament, by means of a packed majority, voted 100,000*l.* a-year to the Queen. He thought that that hon. Baronet, in giving his support to that measure, had broken faith with his constituents, as he was supported by them under a distinct pledge to promote economy in every department of the State. He knew that the people of this country were in deep distress, and that it was absolutely necessary to give them relief. The right hon. Baronet opposite seemed to think that there was but one way of obtaining that relief—that of reducing the taxes; but he (Major *Beauclerk*) thought that it was equally necessary to reduce the expenditure in every department. He thought it necessary to promote economy in all the public establishments. His Majesty's Ministers were called on to cut down the expense of every department, from the Crown downwards; and he would tell them, that if they did not, they would be buried in the same grave with their Tory predecessors. They might perhaps arrest the torrent, or chain the winds, but they would never stop the determination of the people to have a cheap and honest Government.

Captain *Yorke* held opinions quite at variance with those expressed by the hon. member for Surrey. He was satisfied, at least as far as the navy was concerned, that pensions and sinecures were given to those officers in the service who best deserved them. He knew that, generally speaking, those situations were given to officers who had distinguished themselves by their long services in the cause of the state, and who, by virtue of those services, richly deserved the gratitude of that House and of their country, and the greatest honours from their King. He admitted that the right hon. Gentleman, the

First Lord of the Admiralty, had reduced the expenditure of the navy; but he impaired its efficiency. He knew, from his own experience, that the efficiency of the navy was impaired by the reductions effected by the right hon. Gentleman. That right hon. Gentleman had saved one million on the whole expenditure; but that saving was effected on the most useful part of the naval force. It was effected by the reduction of 1,000 marines, and of 4,000 seamen, and by diminishing the expenditure on naval stores by 400,000*l*. He had seen the dock-yards at Portsmouth within the last six weeks, and he never saw a dock-yard so clean swept. There were neither stores, nor timber, nor masts, nor cordage. He believed that if a line-of-battle ship were to put into that harbour with the loss of a mast, there would not be a lower-mast ready for her, nor even a top-sail-yard. He thought it the duty of the Government to look not only to the saving but to the efficiency of the service. As for the Motion of the hon. member for Middlesex, he believed that that hon. Member was not so anxious to cut down the expenditure as to withdraw the patronage connected with the expenditure from the hands of the Crown, and place it in the hands of the people. Now he, for one, thought the Crown should be supported, and he called upon that House to stand by it. He agreed with the noble Lord, the Chancellor of the Exchequer, that it was better to keep the present system of rewarding officers, by such appointments, than to adopt the plan proposed by the hon. member for Worcester, of increasing the pay. That would really be to take from Peter to pay Paul; but he should be sorry to see the country so ungrateful to the officers who had fought in its behalf. The hon. and learned member for Dublin said: "Let us divide—let us see who will vote for sinecures." That might be a very proper expression to catch popular favour, and he had no doubt that that was the purpose for which it was used. He, himself, was anxious for popularity, but he would not endeavour to obtain it by truckling to any one set of men. He would support such measures as he thought would be beneficial to every class of his Majesty's subjects, and to the honour and dignity of the Crown.

Mr. Cobbett: When I entered this House, almost the first word I heard from the right hon. Baronet opposite, the First

Lord of the Admiralty was, that he despised popularity. Now I would just ask the right hon. Gentleman how many addresses he received from the people at the time when he brought forward his grand exposition of the 113 swallowers of the public money? I saw one of the answers made by that right hon. Gentleman to one of those addresses—I saw it in the hands of a respectable clergyman, who was one of those who got up the address, who had supported the right hon. Gentleman in his canvass for the county which he represents, and who cannot, therefore, be considered as particularly hostile to that Gentleman's administration—and that answer was, that he had much pleasure and satisfaction in having made a motion which pleased the people. Well, but in the search after popularity, I admit that those who do so by improper means, or for improper purposes, are very wrong, and deserve to be disappointed; but are we to be told, that because we seek for popularity by endeavouring to save the purses of the people, we have in that an improper motive. What fault is to be found with my hon. and learned friend the member for Dublin—what crime is he guilty of that should draw down so many attacks on him from the other side of the House? His crime is this—that he is much beloved by the Irish people, and no other. When we propose measures to spare the purse of the people, the answer always is, how are we to pay the interest of the national debt? Why, even if there were not sufficient to meet the interest of the national debt, that would not be so bad as the proposition made by one of the present Ministers, who proposed to lay a tax of thirty per cent at once on all property in the funds. Now that was a way of getting rid of a considerable part of the debt at once, without taking anything from the pocket of any one of the people, with the exception of the fundholders alone. My objection to the present system of indirect taxation is this, that it does not fall with equal severity on all classes—that the taxes are taken from the middle and working classes, and given to the aristocracy and their dependents; and that, upon the whole taxation, the middle and working classes pay ten times as much as the nobility and landowners—that is, 4,000 per cent in the one case, and 1,000 per cent in the other case. Stop, then, for five days, when the noble Lord opposite is

to bring forward his Motion for the House to go into a Committee of Supply, and I pledge myself to prove the correctness of what I say; nay more, I pledge myself to demonstrate, that if the nobility the clergy, and the gentry had paid in the same proportion towards the taxes that the poorer classes have done, there would not be one farthing of that debt now due. Now, that is a statement which I think will be interesting. [*A laugh.*] Well may they laugh that pocket the money. I have only one more observation to make to the right hon. Member opposite, relative to that Motion which exposed those 113 sackers of the public money, who pocket 650,000*l.* of the money of the people—a sum equal to the wages of 163,000 weavers, and to the Poor rates of the first five counties in England, taking them in alphabetical order, or to all the poor rates in the whole of Wales. That right hon. Gentleman said, in bringing forward the motion—which he did with ability and public spirit, which did him the greatest credit—that “if this statement made no impression on that House nothing could.” Now, I will remind the right hon. Gentleman, that that abuse still exists, and that he has been two years in office; and I say that if that statement makes no impression, nothing will.

Sir *Ronald Ferguson* said, that as he had always been an advocate for economy, and had invariably supported the hon. member for Middlesex in every measure of retrenchment which he had proposed, he thought it proper that he should give his reasons why he meant to vote against his present Motion. The first of the resolutions moved by the hon. Member he thought should be supported by every man who was a friend to his country; but the second resolution required, in his opinion, further investigation. He was not at all afraid of opposing the hon. Member on this question, because he must be aware that he did not oppose the Motion from any wish not to enforce economy in every department, but because he did not consider it as coming plainly before them at present. He was inclined to support the appointment of a Committee to inquire into the subject. He could assure the House, that when the question of the abolition of an office came before them, in which there was no duty to do, he would with all his heart vote for having it done away. He was an equal

enemy to sinecures, whether civil or military. He would vote against the Motion of the hon. member for Middlesex, but at the same time he was ready to support the abolition of any office, which, on investigation should be found to be unnecessary or impolitic.

Sir *Oswald Mosley* said, that he had given his support to the Ministry hitherto, because he thought that their measures deserved support, but on this occasion he regretted that he should be obliged to withdraw his support. He was the last man in the world who would object to giving those who had served their country, with honour to themselves, and advantage to the State, an adequate reward, but he thought the better way would be to remunerate every man according to his work.

Mr. *Sheil* was a good deal surprised at the manner in which the right hon. Baronet, the first Lord of the Admiralty, had expressed himself on one subject—an expression made use of with that peculiar modesty for which that Gentleman was distinguished. He (Mr. *Sheil*) was struck with his saying that “he gave such and such offices—he made such and such appointments.” Now he (Mr. *Sheil*) thought that the sole question was, whether that right hon. Gentleman should continue to give those offices in future; whether he was to select the individuals on whom to confer such offices; or that the House of Commons should have the selections of the proper objects of reward. He begged that no Member should consider the question at issue, as to the continuance or abolition of the offices in question; the real question was, whether his Majesty's Ministers should have the power to confer rewards on the public servants; whether they were to be the medium through which the gloriously maimed, and illustriously mutilated—[*Laughter*]. They might laugh; but he saw no reason to retract the expression—he saw no reason why those who were wounded in defence of their country, should not be considered as gloriously maimed, and illustriously mutilated. The question was whether the right hon. Gentleman was to have the choice of those who should be marked out for reward and distinction. He thought that the right hon. Member attached more consequence to the effect of the prospect of the reward than it deserved. He (Mr. *Sheil*) doubted if the British soldier, when

mounting the breach at St. Sebastian, thought much of the rewards which a grateful nation would bestow on its brave defenders. But that was no reason why the soldier and sailor should be forgotten, and in their latter days have no part in that opulence their bravery had secured to others. When they turned their steps homewards, they should find a comfortable home to welcome them. He agreed, then, with the right hon. Gentleman, as to the propriety of the gift—the only point of difference was, whether his Majesty's Ministers or the House of Commons were to have the selection of those who were deserving of rewards. His Majesty's Ministers contended that they had the right of distribution. He could not agree with the hon. Baronet in that conclusion. In the choice of objects, it was proper that the public should be satisfied that the most deserving were chosen. How was that to be known but by the choice emanating from the people's Representatives? The conclusion necessarily to be drawn was, that the House of Commons ought to exercise the control over the choice. He did not mean to say, that the present Ministers were men who would abuse the power. They had shown, by the great reductions already effected, that they were sincerely disposed to lighten the burthens of the country; but, having gone so far, let them take care that they did not stop too soon; let them take care that in thus stopping short—and that, too, for a matter in itself comparatively trifling—they did not risk the loss of that which ought to be to them above all price—the confidence of the country. If the amount of the salary attached to those places were small, it was an admission that it did not afford the means of rewarding naval and military services as they deserved. Why, then, contend for the continuance of that which was inefficient for its object, when less objectionable modes of reward were in their power? The argument of those who supported this Motion was not for the abolition of the reward, but the abolition of the sinecure. It was said, that the proper time to make the objection to these offices would be when the Estimates should come before the House. But let hon. Members consider that the case would then be different. It would not then be whether the office should be abolished, but whether A, B, or C, should lose so much income. Was it not

admitted on all hands that questions relating to sinecure, or alleged sinecure places, could be best discussed without any reference to the individual holding them; for when the name of some distinguished General or Admiral was connected with such sinecures, Members were but too apt to lose their antipathy to the sinecure, in sympathy for the man. The hon. Member who had introduced the subject, mentioned the appointment to the office of Constable of the Round Tower at Windsor. He adverted to the subject now, not as a topic for declamation, but merely to show what an effect it had when the names of individuals were mentioned. To get rid of this difficulty, they ought not to wait until the estimates should come before them, when it must be considered almost as a personal matter; but to decide it now, when they might do so as an abstract question, and without in any way mixing up or touching upon the delicacy of individual feeling. The question was one of the highest importance, involving, as it did, so important a principle; and, under the circumstances he had stated, he should feel it his duty to give his support to the Motion of the hon. member for Middlesex.

Sir John Hobhouse said, that he should not feel it necessary to trespass on the indulgence of the house for more than a very few moments; but after what had fallen from some hon. Members opposite, he could not allow the discussion to close without saying a few words. He fully concurred with the hon. and learned member for Louth ["No, no"]—*for Kerry* ["No"]—*for Tipperary*. He begged pardon, but hon. Gentlemen changed their counties so frequently that it was difficult to avoid such mistakes. He fully concurred with the hon. and learned member for Tipperary, that the question before the House was one of the highest importance. It was no more nor less than this—was the control of the army to be placed in the hands of the Executive, acting by its responsible advisers, or in the House of Commons? It was not a mere question of pounds, shillings, and pence, or of confidence in one Government or another; but, it was a question he repeated, whether the House of Commons should leave the distribution of military rewards in the hands of the responsible advisers of the Crown, subject, however, to its own annual revision, or take them all to itself

without any immediate responsibility? He regretted that many hon. Members had been led away from the actual question before the House, to go into matters not much connected with it. One hon. Member had spoken of pensions and places, as if they were under the same regulations. But was there not this important difference between them—that the pensions were chargeable on the Consolidated Fund, and not subject to the annual revision of that House, while all naval and military appointments must come under their consideration with the Estimates from year to year? And if he judged rightly of the feelings of a Reformed Parliament, it would not be much disposed to let any case of abuse pass unnoticed, or unredressed. He was somewhat surprised at the language of the hon. and gallant member for Surrey (Major Beauclerk), who talked of Ministers appealing to packed majorities of that House. [Major Beauclerk: I spoke of the last Parliament.] He begged pardon. He had understood the hon. Member to apply his remarks to this Parliament. It was not according to the constitution of the country that this remuneration should, in the first instance, be granted by the Commons House of Parliament; and no hon. Gentleman had ventured to deny, that, on the whole, the military pay of a general officer, and, indeed, of some subalterns, was insufficient and inadequate to the merits of their services. His hon. and gallant friend the member for Worcester (Colonel Davies) had said that meritorious services should be provided for in another manner, and that the pay of a general officer was not sufficient, and ought to be greater; and the hon. member for Middlesex had observed that, in the case of old meritorious officers, God forbid that anything should be taken from them. But the whole question simply was, whether or not the Parliament of the country was to be the judge as well as paymasters of these services. The House could not but recollect and bear in mind the sort of canvassing which took place in the mere trivial measures of road and railway bills, and in other cases where the interests of bodies of individuals were concerned; and on such subjects as those sought now to be brought before the House, what, he would inquire, would be the extent of the canvassing? The same invidiousness which attached to the case of a private bill, would attach

in a tenfold degree to the consideration of an original grant by the House of Commons. Unless they meant to alter the whole constitution of the country, they must leave in the hands of the Crown the power to reward its military and naval servants. It was not fair to the King's Government, nor to the consideration of this question, to call these provisions for services sinecures, according to the common sense and meaning of the word. True it was, that many officers enjoying these provisions were not doing duty; but it might as well be said, that half-pay was a sinecure as that such appointments were sinecures. The hon. member for Middlesex had said, that he would pay no man unless it were for services actually performed. Neither would he; but, at the same time, he would contend that superannuated or retired allowances must be considered as for meritorious past services, in the same manner as half-pay; and it was invidious, improper, and ungracious, to call such provisions sinecures. He did not know that it was necessary for him to say, that the Government with which he was connected had neither attempted, nor was it their wish to conceal anything whatsoever with reference to these grants. The items, the names of the parties, and their services, had been laid before the House, and all that the Government contended for was, that considering the pay of general officers to be insufficient (as it was admitted to be), in cases of extraordinary merit, the King ought to have the power to make such grants. If hon. Members were to look over and examine three or four of these lists, they would see how impossible it would be for the House to arrange them. He begged to call the attention of hon. Members to one or two cases contained in the lists of grants, to which allusion had been made. The first name he would mention was that of a Colonel Dumas, a most meritorious officer, who, after a service of many years, became blind, and by the regulations was not entitled to receive retired full pay, inasmuch as he had not been wounded in action. In the case of that gallant officer, a small town majorship had been given him, and such a grant, if the Motion of the hon. member for Middlesex were to pass, could not be made. Again, there was another gentleman, Colonel Grant, who, by the brevet rank from Waterloo, had obtained an accession to his half-pay of

about 10*l.* a-day. The next to whom he would refer, was a distinguished officer, Colonel Loftus Gray, of the Rifle Brigade, who, having been seriously wounded, was entitled to a small pension, and who had, in addition, received an equally small appointment in one of these governorships. He would not further allude to the case of Sir James Bathurst, whose merits had been detailed so fully by his noble friend, the Chancellor of the Exchequer, than to express his conviction, that no person, after such a detail, could think, that the remuneration specially granted to the gallant officer to whom he alluded, was more than his meritorious services deserved. Such rewards, he repeated, were not sinecures, but just remunerations for past services performed for the country, and allowed to men who must, at least, enjoy the approbation and sympathy of their fellow-countrymen. They were superannuation allowances for men whose rewards were, it was admitted on all hands, small and insufficient. But the real gist of the question before the House, was, whether or not the control of the naval and military service, and the distribution of high rewards, should be left (as by the Constitution it ought to be) in the hands of the Crown, or transferred to the control of the Parliament. The transfer, would in his opinion, be far from judicious. Some of these governorships were worth only 200*l.* or 300*l.* a-year; but as they had some kind of dignity and respect attached to them, they were a cheap method of rewarding eminent services. By the system at present pursued, a saving was made, and if any other was adopted, it would be at an increase of expense; for officers looked to the honour of the appointments as well as to the emoluments they derived from them; and, if such appointments were not open to them, it was admitted by the common consent of the House, that an increase of pay must be given for the services they were called upon to perform. Before he concluded, he could not but remind the House of the difficult situation of individuals connected with the present, or any Government, for, instead of receiving credit for any measure of retrenchment that might be adopted, they were gratuitously taken to task, and it was soon found, that in pursuing these measures of retrenchment they made enemies, both of those they displaced, and those who demanded further retrenchments. The hon. member for Mid-

dlesex (Mr. Hume) had the other day made an observation, which had not a little amused him (Sir John Hobhouse). The hon. Member had said, that the great duty of the Reformed House of Commons would be, to make the Ministry feel a little uneasy. He was certain that the hon. Gentleman had done that for every Ministry; and he could also assure him that he (Sir John Hobhouse) had not enjoyed a comfortable ten minutes since he had been in office. He could assure the House that he found no pleasure in being badgered night after night by the hon. Member and his friends, who were in the habit of making war upon all Administrations. He, however, hoped he had faithfully discharged his duty; and he trusted, notwithstanding what had been advanced in reference to the feelings of the people towards the Government, that they would, as they had already done, do the Ministers justice. He believed the people were not that fickle, wavering, and inconstant body that some persons had described them; and, although it might be true that all governments ought to be watched, yet he would say, make no government uneasy, so as to render them unable, not only to do any duty at all, but to make it incapable of completing any useful act whatever. He must also advert to what had fallen from the hon. member for Surrey (Major Beauclerk), with regard to the expectations of the people from the Government, which he would illustrate by a fact of recent occurrence. A public meeting had been called for that day, of the inhabitants of Westminster, to be held in Covent Garden, for the purpose of petitioning for the repeal of the Septennial Act, for the introduction of the Vote by Ballot, and for the repeal of the Assessed taxes. The meeting had been fixed by the High Bailiff at 12 for 1 o'clock, at which hour that functionary came, and he (Sir John Hobhouse) believed that the hon. member for Surrey was of the party. There were then about seventy or eighty persons assembled round the hustings, but upon them none at all, upon which the High Bailiff expressed a wish to know the names of the gentlemen who were to perform on the occasion. [Major Beauclerk was not one of them.] The High Bailiff observed, that he had understood that several gentlemen whom he named, and some of whom he saw on the other side of the House, had promised, and had been ex-

pected to attend; but, as no individual appeared, he was obliged to dissolve or adjourn the meeting. Did the hon. member for Surrey find in that any proof of the torrent or the storm, which was to sweep the Whigs into the same grave as the Tories? He was satisfied that there was not any of that spirit of restlessness existing in the people, which had been ascribed to them, except only as to real grievances; and it was unfair to attack the Government as being insensible to those real grievances, for they were more sensible of them than any other men in the kingdom, and they were willing to provide and apply all practical remedies for them. The Government was determined to do its duty, and they looked to a Reformed Parliament for its assistance, and, by their conduct, to meet their reward.

Mr. *Strickland* could not avoid addressing a few words to the House, to account for the vote which he should give on the present occasion. He owed his seat in that House to his adherence to Reform, his advocacy of every retrenchment, and his enmity to all sinecures; and it might be asked, why, on the Motion now before the House, he gave his vote to Ministers. He hesitated not to say that he should do so, because, even if he gave his support to the Motion of the hon. member for Middlesex, he should not effect a saving of 1s. to the public. The proposition of [the hon. Member was only an abstract one, which the people of England would not value, and he required to see something like substance. Since he had been in Parliament he had voted with Ministers, and followed them in their great career of usefulness, especially in the cause of Reform; and, rejoicing as he did, in the magnificent plan announced a few evenings back, of a Reform in the Irish Church, and in the hope of fighting with them the battle of a Reform in the English Church Establishment. He should have great reluctance, at such a great crisis, in joining the hon. member for Middlesex in his abstract proposition, which he (Mr. Strickland) believed from his heart had been only brought forward with a view to embarrass his Majesty's Ministers.

Mr. *Labouchere* would trespass but a few moments upon the attention of the House, nor would he enter into any argument upon the question, being content to rest his vote upon the speeches of the right hon. Baronet and the noble Lord

below him. He regarded the matter before the House as a constitutional rather than an economical question, and he thought that the House was now called upon to decide, not whether the list of places was too large, but whether places should exist at all; and he was prepared to say that, living under a monarchy, he hoped never to see the patronage of the army and navy transferred to the popular assembly of the nation; for if the system of canvassing which had been mentioned went on in reference to those two great services of the State, the transfer, he believed, would entail the greatest evils upon the country. He had, however, been principally induced to rise on the present occasion in consequence of the observation of an hon. Gentleman opposite, who had said, that he was not indisposed to support the policy if he knew the appointments were not ill disposed of. He would refer to the list before the House, and from that it would appear that the whole sum amounted only to 4,740*l.*, and comprised the names of Sir Edward Thornborough, Vice-admiral of England; Sir George Martin, Rear-admiral; Lord De Saumarez, General of Marines; Sir Sydney Smith, Lieutenant-general of Marines; and Sir George Cockburn, Major-general of Marines; besides four Colonels of Marines, taken from the most distinguished captains in the British navy. As a member of the Admiralty Board he must advert to an observation which had fallen from the hon. and gallant Officer the member for Cambridgeshire, who had said that the dock-yards and the store-houses of the United Kingdom were in such a state as to place the country in most serious danger. It had also been said in another place that the consequence of such a state of things was, that the river Thames was open to invasion, and that if a ship were beaten in from a foreign coast there were no provisions to refit even a mast. Regretting as he did, that such observations should have been made on this occasion, as on a fitting opportunity they could be fully met, he must, in the meantime, be allowed to assure the House that there was at present in the dockyards a more abundant supply of all the articles of naval stores than when the late Administration quitted office.

Capt. *Yorke* had spoke of Portsmouth, in which dock-yard there was not, he believed, a lower mast for a line of battle ship.

Captain *Dundas* said, that after having served his country in the wars, he had been sent to that House by an independent constituency; and he must declare his conviction, as an officer and a Gentleman, that the navy of England was never in a more effective state than at present. He would also add, that the country paid enough for it, and he spoke as a payer and a receiver. The pensions were the reward of meritorious services, and but few, after a service of fifty years, received more than 300*l.* per annum, which he could not consider too much for such men as Sir Christopher Cole, Captain Bouverie, and others. He regretted, that the hon. member for Middlesex had not said something more of the navy, for he could assure the hon. Member, that inquiry into that branch of the service was courted.

Sir *Edward Codrington* would venture to observe, that though he would willingly come before the House to have his conduct, before any reward had been conferred upon him for any services he might have rendered to his country, canvassed, yet he would prefer to have that reward conferred by the opinion of the highest power of the realm, subject to the confirmation of the House. In giving an opinion on the subject, he must say, he felt that the interests of the service were concerned, and he felt persuaded that the pensions were as much the right of those who possessed them as was the half-pay of those who had acquired it. He said, that both were a right, because it had been insinuated that the half-pay was merely a retaining fee for future, and not a reward for past, services. This position could not be maintained, when it was remembered that the seaman after fourteen years service, received his reward: and was not the same principle to be extended to the officer? Determined as he was, to support Ministers on the present occasion, he must add, viewing the matter as a question of economy, that the system of conferring distinction with small pay was the most economical that could be adopted. The remuneration to naval officers was much overrated; and he would venture to say that, if accounts could be produced since the year 1785, with a statement of all that he had received, it would be seen that he was considerably out of pocket by his services. He objected to the consideration of the question as one of sinecures,

and though he would go as far as any man in putting down all sinecures not earned, and all pensions not for real services, yet he would give his firm support to the Ministers on the present occasion.

Sir *Francis Burdett* thought no further arguments on the subject were necessary, after the speeches of the right hon. Baronet, the First Lord of the Admiralty, and the right hon. Baronet, his own colleague. He only rose, therefore, to vindicate his independence as a Member of Parliament. He had heard, this evening, addresses made to the House which surprised him, and which were very well adapted for the Corn Exchange in Dublin, or a promiscuous multitude assembled round Covent-garden, but in a deliberative assembly such addresses were not to be expected. Was this House to be told that the people expected this or that? Every honest man placed before the eyes of the world as a legislator in this country would not, he trusted and believed, be swayed by such observation, nor hesitate in giving such a judgment on the question as his conscience approved. No better service could be done than by bringing before the people, in a true point of view, this question, that the public might not be led away with what had been called sinecures, without thought or consideration, but which did not apply to the subject before the House. So far from the system being an additional demand upon the purse of the country, it was a diminution instead of a tax on either the rich or the poor. If services were to be rewarded, the present so far was a question of economy; but as a great constitutional question his vote would be determined. A vulgar view—*ad captandum*—had been taken of the subject to excite the indignation of the people by the suggestion that the Government were taking unjustly and unfairly from the pockets of the people; but, he repeated, the present was a cheap mode of rewarding the services of individuals not to be designated as sinecurists, but as *emeriti*—in a word, officers preferring the high honour of any situation in which they might be placed to mere emolument. There had been much of exaggeration on the present occasion; but he expected from this Reformed Parliament a calm judgment, a dispassionate consideration, and a susceptibility of being impressed with the justice of the subject, rather than a yielding to any reasoning, however ex-

aggregated. Such he anticipated would be now the case, because the great body of the House not only felt with, but participated in, the feelings of the people of England. These exaggerations tended to much harm, and however accurate the hon. member for Middlesex might be as to the sum to which the salary of Mr. Speaker Onslow would now with compound interest have amounted, it did not bear on the question. It might as well have been urged that the salary of Mr. Speaker Lenthall would, at the same computation, have amounted to a sum equal to the full discharge of the national debt. These were the sort of preposterously theoretical arguments usually urged by the hon. Gentleman, which in his opinion had nothing whatever to do with the question. Appeals to figures were always misleading, and never more than in this instance. But even if they were not misleading, he could conscientiously vote on this occasion against the Motion; because he was satisfied, that the question was of comparatively little importance; and was not of sufficient importance to justify them in impeding the proceedings of Ministers, who were engaged with very important public business, by such debates. The Gentlemen opposite—at least some of them—complained of the Reformed Parliament, because the Reformed Parliament was not an instrument in their hands. The people had now got a Reformed Parliament capable of putting down abuses, and Ministers were engaged in putting them down. While the old system existed, he had signalized its abuses as much as any man; but the people were not to be told, before the Reformed Parliament had well got together, that it was incapable of executing its office, because it did not go along with all the projects of the Gentlemen who wished to make use of it for their own purposes. There were great projects on foot. One hon. Gentleman announced that he was to prove that the rich paid no taxes. He should be glad to have that made out, and glad to see any plans by which the taxes—which were a burthen to all—could be distributed and arranged, so that no man should feel them. Not to touch upon other such projects, he would advert to what the hon. and learned member for Dublin said. That hon. and learned Member said, that a relative of a noble Lord, a noble Duke, ought not to hold a colonelcy of a regiment, because he

was a Duke. [No.] He so understood it, and the hon. and learned Member censured that noble Duke for holding a sinecure. The hon. and learned Member said, that a colonelcy of a regiment was a sinecure—why it was one of the great rewards which were given to a long life of brilliant military services. The hon. and learned Member would then keep all regiments from passing into the hands of noblemen, and he would keep all Dukes out of the army—describing their rewards as sinecures which they received for their services. But what would be the effect if the noble Duke were not to take his pay? Why the effect would be, either that no man must go into the army who was not able to live wholly without its rewards, or who had nothing else but its pay. And what would be the consequence of that? All regiments must be given to those who were not gentlemen; and a great writer had said that, in the leading profession of arms, no man could expect successfully to command, who was not a Gentleman. Everything that could make the profession fit for a gentleman was there, and to gratify the noble ambition of serving a man's country in the army was often the stimulus to many honourable exertions. The effect, he believed, of the hon. and learned Member's plan would be most injurious to the army. Nothing could be so mischievous; and he was glad that the noble Duke was colonel of a regiment—glad that he took his salary; and he hoped that the ranks of the army would long be filled with persons of that description. To say that an officer, who had served, and was a Colonel of a regiment, was not to take the pay, because he was a nobleman, would be of the greatest detriment to the public service. He felt, that he ought to oppose the Motion, and he should do that if there were some risk in it and some merit in it, though there was not likely to be any risk, and therefore no merit; but if there were all possible risk on his part, and therefore a great deal of merit in opposing it, he should do so, and do it conscientiously, and he should do the same if he were speaking in the Parliament on College-green, though he might not do it there with an equal degree of safety.

Mr. Maurice O'Connell was surprised at the speech of the hon. Baronet. Before the hon. Baronet made any allusions to speeches at College-green or any where else—and made those allusions as re-

proaches—the hon. Baronet ought to wipe out of his own recollection, and the recollection of the House, that there was such a place as Palace-yard. The hon. Baronet was now supporting sinecures, though for twenty-five years, in every speech he had uttered, and every address he had sent forth to his constituents, he had abused sinecures as the plague spots of the State. He begged in particular the hon. Baronet not to forget, that in one of his addresses to the electors of Westminster, before he was sitting on the Ministerial side of the House, he not only talked of sinecures as evils, but he told the people not to rest till they had made all the sinecurists disgorge all that they had ever taken in past times of their ill-gotten and enormous wealth. The present Motion did not go to make the sinecurists disgorge what they had got; it only went to prevent them gorging in future; but the hon. Baronet, in the fervour of his zeal, when he was on that side of the House, wished to have a law with a retrospective operation. He wished the hon. Baronet joy of his consistency. The hon. Baronet talked of arguments *ad captandum vulgus*; but if ever there was a man who had made use of such arguments, who had indeed lived upon them, it was the hon. Baronet. If the hon. Baronet had left that off, he might at least suffer others to catch the mantle that was falling from his own shoulders, now that he was ascending to the third heaven. The right hon. Baronet the other member for Westminster, had said that some speeches were intended for the public hustings, so the two members for Westminster seemed to hunt in couples. [Sir John Hobhouse was understood to deny that he had made any such allusion.] Certainly the right hon. and hon. Baronets acted together, and he had only to say that when they came to the hustings again, they might find more difficulty in defending their conduct. The hon. Baronet said, the Gentlemen who supported the Motion did not like the Reformed Parliament, because it was not an instrument in their hands. The hon. Baronet was hasty in coming to a conclusion, that they had no weight in the House because they were not numerously supported on the only question they had yet debated; but let the hon. Baronet wait till those debates went forth to the country, let him see what impression they made, and what support the people gave to the opposition,

and then see whether or not they had weight in the Parliament. The hon. Baronet would find, he believed, that they had great weight on this very question of sinecures. The hon. Baronet had talked unfairly of the argument of the hon. and learned member for Dublin relative to the noble Duke, who was a Colonel of a regiment. What the hon. and learned Member said was, that the sum which went to that noble Duke might be much better appropriated to five or six poor and meritorious officers. The hon. and learned Member concluded by saying, that he would vote for the Motion on principle, and because he had seen two instances of sinecures in the county with which he was connected that were worth 600*l.* a-year, given to persons, one of whom at least had no claim from services, and that sum of money would support a hundred starving labourers for six months.

Mr. *Briscoe* could not give a silent vote on this question, particularly as he meant to vote in a different manner from his hon. Colleague who had already spoken. If he gave his vote for the Motion of the hon. member for Middlesex, he should be voting for a great constitutional change. Secondly, if he gave his vote for that Motion, he should not, as had been stated by the hon. Member opposite, give any relief to the people of England. He should not give them any relief, but, on the contrary, he should take a large sum of money out of their pockets. It was a great constitutional principle, that the control of the army should be placed in the hands of the Crown, subject to the vote of that House; but the Motion would vest the control of the army directly in the House. If he were an important Member, he would move an Amendment, to the effect, that an inquiry be made whether or not military sinecures could not be placed on the same footing as the sinecures of the navy. Surely, nobody would say, that the places which were given to naval officers—nobody would say that the office of Rear-Admiral of England was a sinecure which ought to be abolished. He would give his vote honestly against the Motion, because it would not give relief; though he should be ready to give relief by any sacrifices he could make.

Mr. *Hume* rose to reply. He meant to detain the House but a very few minutes, but there were some things he must remark upon. The hon. member for Taun-

ton said, that in a monarchy there must be sinecures, and the hon. member for Surrey said, this was a great constitutional question, and that the House was going to take the command of the army; but it was not so. Now, if fifty sinecures be good things, why not 500 or 5,000? If it was good in principle, let them follow up the principle, and establish as many sinecures as possible. The hon. Baronet talked of court-ing popularity, but no man had done so more than the hon. Baronet, and though he might do so no longer, let him not blame those who were only imitating his former example. The hon. Baronet had long opposed the Tory faction, because they gave all the offices of the State to the dependents of the Aristocracy; but what did he now say? Why that all the officers of the army must be gentlemen. The hon. Baronet actually asserted that no man could expect to be a successful officer who was not a gentleman. Why what was Napoleon before he was an officer, and what were many of Napoleon's best Generals? A more preposterous proposition than that of the hon. Baronet he had never heard. He objected to sinecures in principle, and he had introduced the discussion on principle only. They were payments, but payments under a false name. They were pretexts, and therefore he wanted to have them abolished. The gallant General, the member for Nottingham, said he would vote for the Motion if any one of the offices was a complete sinecure. Why here was a case of a man holding an office in Canada, who had never left England. Was not that a sinecure? So with the whole list. Not one of them hardly was a resident at the place where his office was, and every such office was a complete sinecure. He confidently claimed, therefore, the vote of the gallant Officer. There was the case of Admiral Cockburn, who was now on his way to the West Indies, and who was a General of Marines. Could anything be a more complete sinecure than that? He made this Motion with no view to harass the Government, but to warn it. He had never seen sinecures (though he was almost ashamed to say it) half so well defended by the Tories as they now were by the Whigs. The Tories, if they ever came back to office, might learn something of the hon. Member opposite. Such a perversion of language indeed—in their mouths, it was quite a new language—he

had never heard. The right hon. Baronet said that these sinecures had been retained for no other purpose but to reward distinguished talents. [Sir J. Hobhouse: I said the alleged purpose.] Be it so; but it was not the actual purpose. What was the statement of the hon. member for Devonport? That hon. and gallant Member, who had served his country long and arduously, did not get more than was given to two striplings, who were the King's sons. It was not without a feeling of shame that he had heard that gallant Officer say, he had been out of pocket by serving his country; and why should he not receive that 600*l.* as Lieutenant of the Tower, which was given to a stripling? That showed that these sinecures were not employed to reward services. That he was not influenced by malicious motives, he could show by his conduct last Session. He had then stated what he should do this Session. He had made great sacrifices to support Ministers then, though he differed from them on many of their financial plans. He had supported them, and he had acquired unpopularity by supporting them; but he thought that they ought to be supported while they were engaged in the work of Reform. But were they for ever to go on in the same way? He had defended the Ministers last Session because they were carrying on that great Reform which he regarded as a means to an end, and was it to be expected that now that they had the means they were to stop short, and not seek the end? What was wanted was cheap Government and the extinction of abuses, and for that end Reform was desired. He would leave it to the people of England to say whether or not it was wrong if Ministers desired, as he most anxiously desired, that they should go on in the plan of removing abuses. He would leave it to the people of England to say whether or not it was right to preserve these sinecures. He lamented to see the Members doing so, as the people had long determined on the abolition of these sinecures, considering them as the means by which Members of that House and of the other House were bribed and corrupted to trample on the rights of the people. They would be less than freemen if they submitted to such treatment. The Secretary at War said it would interfere with the prerogative of the Crown, and he had discussed the estimates. The right hon. Secretary should have enough of that

by-and-by. In conclusion, the hon. Member called on the House, if they valued principle, to vote for his Motion.

The House then divided on the previous question.

Ayes 232; Noes 138—Majority 94.

List of the NOES.

ENGLAND.	
Aglionby, H. A.	Langdale, hon. C.
Astley, Sir J. D.	Lennox, Lord W.
Attwood, T.	Lester, B. L.
Bayntun, Capt. S. A.	Marsland, T.
Beaucherk, Maj. A. W.	Molesworth, Sir W.
Berkeley, hon. G. C.	Mosley, Sir O.
Bolling, W.	Ord, W. H.
Bowes, J.	Palmer, General C.
Briggs, R.	Phillips, C. M.
Brodie, W. B.	Phillips, M.
Brotherton, J.	Phillpotts, J.
Buckingham, J. S.	Plumptre, J. P.
Buller, C.	Potter, R.
Buller, E.	Pryme, G.
Bulwer, E. L.	Ricardo, D.
Bulwer, H. L.	Rippon, C.
Cayley, E. S.	Roebuck, J. A.
Chaytor, W. R. C.	Romilly, J.
Clay, W.	Romilly, E.
Cobbett, W.	Shawe, R. N.
Curteis, H. B.	Simeon, Sir R.
Davies, Col. T. H.	Spry, S. T.
Dawson, E.	Strutt, E.
Divett, E.	Tancred, H. W.
Dykes, F. L.	Tennyson, rt. hon. C.
Ellis, W.	Thicknesse, R. W.
Etwall, R.	Tooke, W.
Evans, W.	Townley, R. G.
Ewart, W.	Trelawney, W. S.
Fancourt, Major	Turner, W.
Fellowes, hon. N.	Vernon, hon. G. J.
Fellowes, H. A. W.	Vincent, Sir F.
Feilden, W.	Walker, R.
Fenton, J.	Warburton, H.
Fielden, John	Wilks, J.
Fryer, R.	Williams, Col. G.
Gaskell, D.	Wood, M.
SCOTLAND.	
Gisborne, T.	Dunlop, Capt. J.
Godson, R.	Gillon, W. D.
Goring, H. D.	Kinloch, George
Grote, George	Oliphant, L.
Guest, J. J.	Oswald, R. A.
Gulley, J.	Oswald, J.
Hall, B.	Pringle, R.
Harland, W. C.	Wallace, R.
Harvey, D. W.	Wemyss, Capt. J.
IRELAND.	
Hawes, B.	Baldwin, Dr.
Hawkins, J. H.	Barry, G. S.
Hill, M. D.	Bellew, R. M.
Hodges, T. L.	Butler, hon. P.
Hodgson, J.	Daunt, W. J.
Humphery, J.	Finn, W. F.
Hutt, W.	Fitzsimon, C.
Ingilby, Sir W. A.	Fitzsimon, N.
Jervis, J.	Fitzgerald, T.
Key, Sir J.	French, F.
King, E. B.	

Grattan, J.	O'Ferrall, R. M.
Grattan, Henry	Roche, David
Lalor, Patrick	Roche, W.
Lynch, A. H.	Roe, James
MacLachlan, L.	Rorke, J. H.
Martin, J.	Ruthven, E. S.
Nagle, Sir R.	Ruthven, E.
O'Brien, Cornelius	Sheil, R. L.
O'Connell, Maurice	Sullivan, R.
O'Connell, John	Vigors, N. A.
O'Connell, Morgan	Wallace, T.
O'Connell, Charles	TELLERS.
O'Connor, Fergus	Hume, J.
O'Dwyer, A. C.	Robinson, G. R.

List of the AYES.

ENGLAND.	
Adams, E. H.	Folkes, Sir W.
Althorp, Viscount	Forester, hon. G. C. W.
Ashley, Lord	Fox, Lieut.-Col. C. R.
Bainbridge, E. T.	Frankland, Sir R.
Baring, H. B.	Gaskell, J. M.
Baring, W. B.	Gladstone, W. E.
Baring, F. T.	Glynne, Sir S. R.
Beaumont, T. W.	Gordon, R.
Benett, J.	Goulburn, right hon. H.
Bentinck, Lord G.	Graham, rt. hon. Sir J. R. G.
Bernal, R.	Greville, hon. Sir C.
Blackstone, W. S.	Grey, hon. Colonel
Blake, Sir F.	Gronow, Capt. R. H.
Briscoe, J. I.	Grosvenor, rt. hon. Lord
Brocklehurst, J.	Robert
Brougham, W.	Halford, H.
Bruce, Lord E.	Handley, W. F.
Bulsteel, J. C.	Hanmer, Sir J.
Burdett, Sir F.	Hardinge, right hon. Sir H.
Burrell, Sir C. Bart.	Henniker, Lord
Byng, G.	Herbert, hon. S.
Calcraft, John	Hobhouse, rt. hon. Sir J. C.
Campbell, Sir J.	Horne, Sir W.
Carter, J. B.	Hotham, Lord
Cavendish, hon. C. C.	Howick, Viscount
Cavendish, Lord	Hudson, T.
Cavendish, hon. Col. H. F.	Hyett, W. H.
Cayley, Sir G.	Ingham, R.
Chapman, A.	James, W.
Chaytor, Sir William	Keppel, hon. G.
Clive, E. B.	Labouchere, H.
Codrington, Sir E.	Lambton, H.
Crawley, S.	Lamont, Captain N.
Dare, R. W. H.	Langton, Colonel G.
Darlington, Earl of	Lefevre, C. S.
Denison, J. E.	Lefevre, J. G. S.
Denison, W. J.	Lemon, Sir C.
Dilwyn, L. W.	Lennard, T. B.
Donkin, Sir R. S.	Lennard, Sir T. B.
Duncannon, Viscount	Lennox, Lord J. G.
Dundas, Capt. J. W.	Lennox, Lord A.
Eastnor, Viscount	Littleton, E. J.
Ebrington, Viscount	Lumley, Viscount
Egerton, W. T.	Lushington, Dr. S.
Ellice, E.	Lygon, hon. Col. H. B.
Fazakerley, J. N.	Maberly, Col. W. L.
Ferguson, Sir R. A.	Macaulay, T. B.
Fitzroy, Lord C.	
Foley, J. H.	

Mahon, Viscount
 Marshall, J.
 Martin, J.
 Methuen, P.
 Meynell, Captain H.
 Mildmay, P. St. J.
 Mills, John
 Molyneux, Lord
 Morpeth, Viscount
 Mostyn, hon. E. M. L.
 Nicholl, J.
 Noel, Sir G.
 North, F.
 Palmerston, Viscount
 Parker, J.
 Patten, J. W.
 Pechell, Sir S. J. B.
 Pelham, hon. C. A.
 Pendarves, E. W.
 Pepps, C. C.
 Peter, W.
 Petre, hon. E.
 Phillips, Sir R.
 Philips, Sir G.
 Pinney, W.
 Poulter, J.
 Price, Sir R.
 Pugh, D.
 Rice, right hon. T. S.
 Richards, J.
 Rickford, W.
 Rider, T.
 Roberts, A. W.
 Rooper, J. B.
 Russell, rt. hon. Lord J.
 Russell, Lord
 Sandon, Viscount
 Sanford, E. A.
 Scarlett, Sir J.
 Scott, Sir E. D.
 Sheppard, T.
 Skipwith, Sir G.
 Smith, R. V.
 Smith, hon. R. S.
 Spankie, Mr. Sergeant
 Spencer, hon. Capt. F.
 Stanley, E.
 Stanley, rt. hn. E. G. S.
 Stanley, E. J.
 Staunton, Sir G. T.
 Stewart, J.
 Stormont, Viscount
 Strickland, G.
 Taylor, rt. hon. M. A.
 Thompson, P. B.
 Thomson, rt. hn. C. P.
 Todd, J. R.
 Tracey, C. A.
 Trevor, hon. G. R.
 Troubridge, Sir E. T.
 Tyrell, C.
 Vivian, J. H.
 Vyvyan, Sir R. R.
 Walter, J.
 Waterpark, Lord
 Wason, R.
 Waterpark, Lord

Wedgwood, J.
 Weyland, Major R.
 Whitbread, W. H.
 Whitmore, W.
 Wilbraham, G.
 Williams, W. A.
 Williamson, Sir H.
 Willoughby, Sir H.
 Wood, Colonel T.
 Wood, Charles
 Wrottesley, Sir J.
 York, Captain C. P.
 Young, J.
 Young, G. F.

SCOTLAND.

Abercromby, rt. hon. J.
 Adam, Admiral C.
 Agnew, Sir A.
 Baillie, Colonel J.
 Bannerman, A.
 Callander, J. H.
 Colquhoun, J. C.
 Dalmeny, Lord
 Elliot, hon. Capt. G.
 Ferguson, R.
 Ferguson, G.
 Fleming, hon. A. C.
 Hay, Col. A. L.
 Jeffrey, right hon. F.
 Johnston, A.
 Johnstone, J. J. H.
 Kennedy, T. F.
 Loch, J.
 Mackenzie, J. A. S.
 Macleod, R.
 Maxwell, Sir J.
 Murray, J. A.
 Ormelie, Earl of
 Ross, H.
 Sharpe, General M.
 Sinclair, G.
 Steuart, R.
 Stewart, Sir M. S.
 Stewart, E.

IRELAND.

Acheson, Viscount
 Belfast, Earl of
 Browne, J. D.
 Browne, D.
 Carew, R. S.
 Chapman, M. L.
 Conolly, Col. E.
 Coote, Sir C. H.
 Corry, hon. H. L.
 Dobbs, C. R.
 Dobbin, L.
 Gladstone, T.
 Hill, Lord A.
 Hill, Lord M.
 Jones, Captain T.
 Keane, Sir R.
 O'Callaghan, hon. C.
 O'Reilly, W.
 Oxmantown, Lord
 Perceval, Colonel

Shaw, F.
 Stewart, Sir H.
 Talbot, J.

TELLERS.
 Rice, right hon. T. S.
 Wood, C.

HOUSE OF LORDS,
Friday, February 15, 1833.

MINUTES.] Petitions presented. By the Earl of RODEN, from Denbigh, Penistone; and by Lord LYNEDOGH, from Perth, for the Abolition of Slavery.—By the Earl of WARWICK, from Atherstone, for a Revision of the Poor Laws.—By the Bishop of LONDON, from Knossington, Cold Overton, and Tetbury; and by the Earl of WESTMORELAND, from Carlisle,—for the Better Observance of the Sabbath.

OBSERVANCE OF THE SABBATH.]

The Earl of Roden presented Petitions, numerously signed, from Brecon, Dundee, Long Preston (in Yorkshire), and several other places, praying for the better observance of the Sabbath. On account of the importance of the subject, he had felt it his duty to give notice the preceding day of his intention to present these petitions. It was a subject of sincere gratification to him, and must be also to their Lordships, to see the middle classes of society, the shopkeepers and tradesmen of the different towns of the kingdom, take up the matter in the way they had, by petitioning their Lordships to enforce the better observance of the Lord's Day. If ever there were times when it behoved his Majesty's Ministers to look to other sources than earthly ones for counsel and support, it was the present crisis, unexampled in the history of the world. The petitioners stated to their Lordships an important fact; it was this—in order to effect any benefit from the laws, it was necessary that an example should be set them by the higher classes. The framers of the laws ought to observe them, if they were anxious to see them obeyed by the people. The petitioners stated, that some shopkeepers would not close their shops during the Sabbath-day, and the petitioners consequently suffered, losing many of their customers. He would not detain their Lordships longer than requesting one of the petitions might be read at length, on account of the very important subject which was about to be brought forward.

Lord Cloncurry was anxious for the due observance of the Sabbath, but he thought that care should be taken, in enforcing the law, not to create discord, and do mischief to the people. He (Lord Cloncurry) was anxious, therefore, that it should be

known what was the real view which the Legislature took respecting the observance of the Holy Day. He thought it would be a means of preventing much mischief in Ireland. He was engaged in the Canal Navigation of Ireland, which afforded valuable commercial opportunities to private individuals, and to those of the middle classes the means of maintaining their families in decency and comfort. It was not unknown to their Lordships, that, on the Sabbath-day, the boatmen on the canals were in the habit of attending to their business, and going with their boats as on ordinary days. On Saturday, boats were constantly in the habit of setting out from Limerick and other places, and continuing without any hindrance to proceed to their destination. But at no distant period, two certain Magistrates, who took peculiar views of the law, ordered the police to prevent boats from proceeding on the Sabbath. The boats were actually stopped, and the boatmen, not at all offended at a course that promised them an idle day, betook themselves to the nearest public-house. The result was, that the cargo was entirely plundered. Noble Lords, perhaps, were not aware, that in the Catholic Church, the rule was to attend mass in the forenoon, and it was then deemed allowable to spend the remainder of the day in amusement or business. The act of the Magistrates already alluded to was in violation of law; for the proper course was to have summoned the boatmen for the offence, instead of stopping the boat. It was not, therefore, surprising that law should be held cheap in Ireland, when it was broken by those who ought to uphold it. He knew also another similar instance, cattle brought from Clare and Galway, and intended for exportation, were stopped by the same Magistrates, much to the injury of the owners.

The Earl of Roden could not allow the observations of the noble Baron to pass altogether unnoticed. The noble Baron had brought a very grave charge against two Magistrates whom he had not named. If those Magistrates had exceeded their duty, let the noble Lord state their names, in order that an inquiry might be instituted. He, however, thought that it would be found, the Magistrates had only acted in strict conformity with the law of the land. As to the opinions of Roman Catholics relative to the Sabbath,

he would say, without meaning them any offence, that Parliament ought to legislate according to its own religious feelings.

Lord Cloncurry said, in the few remarks he had made, he had only been anxious the law as it stood might be known, in order to its being properly administered. There were other cases of a similar character to that which he had named, which he could state if he knew he was not intruding on the House. With respect to disclosing the names of the Magistrates, he must decline doing that. He was unwilling at any time, especially in the excited state in which Ireland was at present, to bring an odium upon any man. He begged, however, to add, that he was in possession of the names of the Magistrates to whom allusion had been made.

Petition laid on the Table.

SUPPRESSION OF DISTURBANCES (IRELAND).] Earl Grey rose to state the outline of the Bill, of which he had given notice, for the effectual repression of disturbances in Ireland. But previously to proceeding with his statement, he moved, that the part of his Majesty's Speech relating to the disturbed state of Ireland be read. The clerk accordingly read the following passage:—'But it is my painful duty to observe, that the disturbances in Ireland, to which I adverted at the close of the last Session, have greatly increased. A spirit of insubordination and violence has risen to the most fearful height, rendering life and property insecure, defying the authority of the law, and threatening the most fatal consequences, if not promptly and effectually repressed. I feel confident that to your loyalty and patriotism I shall not resort in vain for assistance in these afflicting circumstances, and that you will be ready to adopt such measures of salutary precaution, and to intrust to me such additional powers as may be found necessary for controlling and punishing the disturbers of the public peace, and for preserving and strengthening the Legislative Union between the two countries, which, with your support, and under the blessing of Divine Providence, I am determined to maintain by all the means in my power, as indissolubly connected with the peace, security, and welfare of my dominions.'

Earl Grey: My Lords, in conformity

with the recommendation contained in the passage which you have just heard read from his Majesty's Speech, I rise to discharge the painful, but necessary duty, of proposing to your Lordships a "Bill for the more effectual Suppression of local Disturbances and dangerous Associations in Ireland." It is, indeed, my Lords, most painful to learn the extent and violence of that spirit of insubordination which is stated in his Majesty's Speech to prevail in that country, and which is now manifesting itself in the most lamentable manner, rendering life and property insecure, bidding defiance to the ordinary powers of the law, and threatening, unless speedily and effectually repressed, to produce the most fatal consequences. Still more painful, to me at least, the conviction that there exists no hope of checking the career of outrage in Ireland by the ordinary powers of the law, and that it has become necessary to propose to Parliament to reinforce the Executive Government with additional authority, in order to enable it to perform its first duty—that of protecting the loyal, peaceable, and industrious portion of the community against a daring system of outrage and aggression, threatening them with the most serious dangers. Before I proceed to state the grounds on which it is proposed to rest this measure, or explain to your Lordships the minuter details of its provisions, perhaps it may be fitting that I should state why the usual, though, I believe, by no means the invariable, practice of previously referring the subject to a Committee, in order that the circumstances which are alleged to warrant such proceedings may be inquired into, has not been adopted on the present occasion. The reason is obvious, and lamentably indicative of the state of Ireland, I have not moved for a Committee, because the evils which I am to speak of are, unhappily, so great and so notorious, that it cannot be necessary to prove their existence before any Committee, in order to induce your Lordships to act with promptitude and vigour for their removal. It is not in this case, my Lords, against the existence of a secret conspiracy, acting under the mask of privacy, and directing its dark attacks in silence against the Government—it is not against any proceedings or operations, fatal to the maintenance of peace and good order, the source of which is concealed, assailing us we know not from what quar-

ter—it is not against the obscure growth of seeds of mischief that shun the light, but diffuse the most baleful influence—that we call upon your Lordships to provide by the measure now to be proposed for your adoption. It is, my Lords, in the first place, to repress a dangerous association, forming itself, I may say, into a Senate, which acts, avowedly, under an organized plan of proceedings, and the efforts of which are directed to the attainment of objects which threaten the peace and safety of the community, and the unity and integrity of this empire; and which, if not immediately suppressed, can only tend to produce the most serious and lamentable misfortunes to the State. It is to put down combinations formed in defiance of the law—against armed bodies acting under an apparent system of organization—committing the most brutal and atrocious outrages, violating the rights of property—inflicting even death—for the double object of intimidation and vengeance—it is to suppress a fearful system of such avowed combinations, that I ask your Lordships to strengthen the hands of the Executive. Of these lawless combinations the effect is also, my Lords, to deter prosecutors from enforcing the law—to prevent witnesses from appearing to give evidence—to intimidate juries from discharging their duty—and, in short, to render the law itself impotent and nugatory, as regards the protection and safety of the well-disposed part of the community. My Lords, these are the dangers against which his Majesty's Government feel themselves called upon to provide; and by which I am required, in the performance of a most painful but imperative duty, to propose to your Lordships to sanction measures that I admit to be of a severe nature—inconsistent with the ordinary forms and principles of the Constitution—and only to be justified by the alarming necessity of the case. But, that necessity existing, his Majesty's Ministers would have been guilty of a dereliction of their duty, had they not come to the resolution of proposing such a measure as the one I am now about to submit to your Lordships. It is not necessary, perhaps, to inquire from what source or from what causes the disorders in question have arisen. As far as they can be traced to the existence of any reasonable or just causes of complaint, I am sure your Lordships will concur with me in thinking that

it will be one of our first, and most pleasing duties to provide a remedy for such grievances. But, at the same time that the Legislature and the Government manifest a disposition to correct abuses, and to obviate just causes of complaint—and although they will not desist, notwithstanding the present afflicting situation of affairs, from promoting those plans of relief which they feel it to be their duty, as it is their great anxiety, to accomplish—it is yet necessary, in the first place, that the authority of the law should be vindicated—that those who have offended against it should be taught that, pending the work of redress, it will not be permitted them to rush into the commission of violence and crime; that peace and order should be restored and re-established, that society in Ireland may be placed in that condition of security and quiet which is necessary for the full and fair discussion of any plans of relief, and the ultimate accomplishment of such ends. I am unwilling to detain your Lordships with the melancholy story of the disturbances which rage in Ireland, well known as the circumstances are to your Lordships; but it is necessary that I should state, in some degree, the facts on which we ground the necessity of proposing to your Lordships the present measure. Notwithstanding the utmost exertion of all the existing powers of the Government in that country, the ordinary execution of the law, on account of circumstances which I shall presently recount to your Lordships, has been hitherto inadequate for the protection of the peaceable part of the community: such has been the effect of those excesses which have now attained so lamentable a height. I have already alluded to the two main facts—matters upon which the consideration of the subject before you may be said to resolve itself—first, the establishment and existence of a society, founded on principles and under a system of organization to promote the accomplishment of ends which are absolutely inconsistent with the peace and security of the empire. It is hardly necessary, perhaps, that I should call your Lordships to the new association formed in that country. When I say the new association, perhaps I use an improper term, for it is evident that, under a new name, it is only the revival of a society which has already existed for many years. The association I mean is

that of the “Volunteers of Ireland.” The real object of this association, which professes to be established for the redress of grievances, is neither more nor less than the Repeal of the Legislative Union between the two countries. It has been said, that all the disturbances which have arisen, have arisen from a mere sense of injury, and that reparation of injury, if alone, will be sufficient to restore tranquillity to Ireland. Would to God, my Lords, that I could lay that flattering unction to my soul, that any circumstance arising from past experience, or from the present aspect of affairs, would allow me to indulge in the hope that, by a redress of grievance alone, the peace of Ireland could be re-established. My Lords, we all remember the Catholic Question. Nobody was more sanguine than I was, in my hope that that great, that preliminary and fundamental measure would have been the beginning of peace and contentment throughout Ireland. My Lords, I say it—the truth obliges me to say it—but I say it with regret and pain, that hope has been grievously disappointed. Nobody indulged in that hope more fervently than I did; nobody ever felt, at the same time, more strongly than I did; and I expressed that feeling in every debate upon the subject—that though this was the necessary, the primary, and fundamental measure, still that that alone would be found insufficient; and that it must be followed by other measures of an alleviating and effectual nature, to repair the injuries of centuries. But I did hope, that that measure having been once passed with such an earnest of the intention of the Legislature and the Government to attend to the just wants and complaints of Ireland, it would have enabled the promoters of that measure to pursue the course of amelioration and redress undisturbed by popular agitation. It is true that Catholic Emancipation was too long delayed—it is true that it was deferred until concession seemed to be not made to the claims of justice, but to the commands of necessity, by the triumph of a superior power over the Legislature itself. Nevertheless, when I listened to the promises of those professing a desire for nothing but a redress of grievances, and who had thus received an earnest of the good dispositions of Parliament towards them, I did hope that this boon would have satisfied them for the present, and that they would have patiently waited for those further

measures of relief of which Catholic Emancipation was the safe and sure beginning. But I have been bitterly disappointed; it has not suited the views of the agitators to allow of the return of tranquillity, or that the hopes of the nation should be directed to the act of the Legislature. The intoxicating nature of agitation had been proved—the sweets of power had been tasted. It seemed too slow to them to wait for the regular course of reform. Agitation was renewed, and the condition of Ireland is now worse than ever it was before. Do I say this because I think the course then pursued, of granting Catholic Emancipation, wrong?—Quite the contrary. I still think as I did then, that Emancipation was demanded equally by justice and policy; but I also think that it should have been granted when it would have seemed the dictate of justice and policy alone, instead of being withheld until it looked like a concession to imperious necessity. More measures, my Lords, were necessary undoubtedly, and more were to be proposed; but those persons would not wait for these legislative measures—they would not wait to see whether these legislative measures would satisfy them or not. No, my Lords, they would have agitation. For keeping up agitation the Volunteers were formed. The agitation is to be continued, not till it is seen that Parliament is employed in relieving the distress of Ireland—not till the evils are corrected of the Church cess, of the Grand Jury presentments, of local defects in the administration of justice—not even till the Church Establishment is improved; agitation is to be continued, not till all these things are accomplished, and then to cease—no, my Lords, it is not then even to cease; but do what we may, however anxiously we may exert ourselves to remove the grievances of Ireland, agitation is not to be discontinued, till the legislative Union between the two countries be severed, and till the foundations of the British Constitution and of the British power be razed! The friends and promoters of this new association will exclaim like the orator of antiquity, “agitation, agitation, agitation!”—or in the emphatic language of the great author of the measure—“agitation, and nothing but agitation,” must be continued, till the ruinous consummation I have mentioned shall be completed. It is in vain to say, that we ought to wait and try the effects of some healing

and remedial measures. No, my Lords, we must first establish the authority of the law. Look, my Lords, at the principle, and at the organization of this society. This society is formed on the pattern of the Volunteers of 1782. My Lords, the name, the period, the circumstances of the association which it has assumed as its model—all show the designs of the persons who have formed it. The very term for it, “Volunteers,” is significant. What does it mean? It means a person who willingly engages to perform some sort of military duty. The organization, too, extends over the whole country. There is a central association in Dublin, calling itself the Pacificators of Ireland; and a part of their pacific plan is, that parties of three persons shall go in the character, and bearing the name, of pacificators, to different parts of the country, appealing to the farmers and the people to join the association, which is thus planned to branch out in all directions and embrace the whole society, under the guidance and control of the central association of Dublin. Observe, my Lords, that these Pacificators are to hold public meetings—that they are to come together at the period of the Quarter Sessions; they are to decide disputes between man and man, superseding the police and the law, and obtaining possession of the whole power of the State. And when all these objects are accomplished, I want to know, my Lords, what will be the situation of the Government and of the country? What is to prevent these Pacificators from using the force which they will thus acquire? What is to prevent them from accomplishing the separation of the two countries? It is said that they are not now armed; though they are to be ultimately armed, when the law permits it. And when will that be, my Lords? When they have acquired a moral and numerical force, superior to all the power of the Government itself, and when the circumstances shall be such, in the progress of revolution, as they shall judge proper for the establishment of a national guard, like the inhabitants of a neighbouring country. This then, my Lords, is an open and avowed danger, different in character from all former associations. It is not a secret society; it is not bound together by secret oaths; it does not hold secret meetings: the individuals who direct it are persons acquainted with the laws, but keeping

themselves within the limits of the laws while they are engaged in this dangerous conspiracy to accomplish their ulterior objects. It is not necessary for me to state to your Lordships that the power already in existence is not sufficient to put this society down; yet it cannot be suffered to continue and extend itself through so many ramifications, till it embraces the whole country without a total abandonment of our duty; and more power, therefore, must be given to the Government—a power sufficient to this purpose—if your Lordships will not abandon altogether that security and safety on the maintenance of which the very existence of the Government depends. It is said, that the object of this association is directed only to pacific and legitimate measures. I have stated the progress of its organization; I have told your Lordships what its principles are; I have stated what it ultimately contemplates; I have shown you that, at the present moment, it depends on the breath of one man to bring it into action; that it contemplates being ultimately armed; I have told you what is its source, and what are its objects, and that it sends messengers to establish subordinate branches in all parts of the country; and I cannot better describe the objects of the society than by bringing before your Lordships what was said by a Mr. Steele at the formation of the society. What does he say? He says this, my Lords:—“I profess myself the instrument of the Great Liberator in the pacification of the country; and to promote that pacification, I propose that Pacificators should be sent to every parish in Ireland, so that the working of Irish regeneration may not be retarded. There is no measure which I, as a Pacificator, shall not be ready to adopt. No man can be a pacificator to-day, unless he is a fierce, popular agitator, and is ready to do whatever is commanded by Daniel O’Connell.” In this combined character of a fierce and popular agitator, this gentleman is very like a character described by those who are acquainted with Ireland, of a man who goes into a crowd, and deals out his blows right and left, crying out, “Preserve the peace—keep good order.” That is the sort of peace and good order which this “Pacifactor,” who is also “a fierce and popular agitator” is likely to produce. But to proceed: Mr. Steele said, ‘that I told the men of Clare, that

‘if such a crisis were to arrive, in consequence of any atrocious act of the Government—like that of Camden and Castlereagh in 1798,—and that O’Connell should command us to have recourse to arms and blood, and convulsion, instead of our usual constitutional warfare, by which we had achieved such resplendent and inevitable triumphs; in that case, I would not order the Clare men to go into Cratloe Wood to cut down trees for pike-handles, but that I would first send them to cut down the trees on my own domain of Lough O’Connell, and that I should, of course, myself, not be idle, nor a mere looker-on in the conflict.’ Thus it was contemplated at that period, that the Volunteers should form an armed association, when “the laws will allow them.” Regretting the establishment of such an association formed within the land, it is not necessary for me to add much to these statements, showing the high confidence placed in one person—showing that the association is ready to assume arms, and obey his mandates. Is it necessary for me, my Lords, to say more on this part of my subject, in order to prove to you that you must, to preserve the existence of the state, enact laws to enable the Government to put down this association? This, my Lords, forms one of the objects of the enactments of the Bill I propose to submit to your Lordships. But, my Lords, it is not only against this association that the Bill will have to provide. There are other societies with objects which are certainly more reprehensible, and the acts of which are certainly more immediately mischievous. In many parts of Ireland the state of things almost amounts to actual rebellion. Large bodies of men assemble at the sound of a horn, or by signals, such as fires or beacons; they are under the direction of one person, showing a complete organization; they meet in great numbers, and conduct themselves in such a manner as to defy the powers of the Government and the law to restrain them. It is said, that these have nothing to do with the association already mentioned, and that their measures are not authorised by the meetings at Dublin. I cannot assert, my Lords, that they are cause and effect; but there is such a remarkable coincidence, that to a common man, observing the proceedings of the Dublin Association, seeing the objects contemplated by it, looking at its conduct, and hearing its harangues—a

common man witnessing its proceedings, would not wonder that the turbulence of the others should graft itself on the measures proposed by the Dublin Association—he would not wonder that the denunciation of tithes in the disorganized state of Ireland should not only pass into active resistance to tithes among the great body of the people, but into a determined opposition to all such claims; impeding the carrying into effect the processes of the law, subjecting all those who attempt to carry them into effect to nightly attacks, to threats, to violence, and murder—a common observer would not wonder if he heard the Government represented as insensible to the grievances of the people, the law as made only to oppress the people, and not for their good government, that the people should be roused to an active opposition to the law and to all the measures of Government. If, following such denunciations and such language, midnight attacks should take place, and justice should be set aside, he would, at least, say that there was a close connexion between them; and if they were not the cause and effect, at least that they could not be separated in contemplating the present situation of Ireland. I have stated that most of these associations carry on their meetings in open defiance of the law—in open violation of it; that the law itself, in its ordinary operation, is not sufficient to stop the progress of these meetings. I must state that, at present the whole, or at least a very considerable portion of that part of the kingdom, is in a state of great disorder; and it is not necessary that I should state to your Lordships that it is the nature of such disorder to increase and extend itself, if not timely put an end to by vigorous means of repression. The whole of the province of Leinster, my Lords, is in a disturbed state. In the province of Munster, the counties of Cork and Tipperary are in a state of great disturbance. In the province of Ulster, even Protestant Ulster, a great extent of country is disturbed. The county of Down is, I believe, in a disturbed state. In the province of Connaught—as your Lordships heard the other evening so forcibly described by my noble friend (the Marquess of Sligo), and supported by unanswerable documents—the county of Mayo is in a very disturbed state. Here too, my Lords, we see how things are connected; for, with respect to Mayo, a

great part of these disturbances is distinctly to be traced to the contested election; and what, my Lords, was the nature of that contest? It was between a person who professed himself a friend to the Repeal of the Legislative Union—a staunch repealer, and two candidates who were for supporting that Union in its existing state. My Lords, the object of the association at Dublin—the recorded object—is to procure the Repeal of the Legislative Union, and to procure a strong party to support that, by influencing the elections. No doubt there are persons who, like those pernicious writers who first of all inflame the passions of youth by their descriptions, and then think they can put them to sleep by a moral sentence; there are persons who blow up the flames of discontent, thinking that they can repress them by exhorting the people to obedience, who claim credit for obeying the laws, though, while they carefully protect themselves, they are not unwilling to possess the influence which may be acquired by putting forward others to agitate and disturb the country. There are, no doubt, my Lords, those who excite agitation; but they cannot be so deficient in sagacity—they are not so ignorant of the world as to suppose that a recommendation to observe the law can stop that agitation at the point where they wish; and they cannot be so ignorant of human nature as to hold themselves guiltless of the crimes to which the excitement they cause invariably leads. To return to Mayo. The frightful state of that country was described to your Lordships the other evening by my noble friend, when he was refuting the charges that were then brought against him—that disturbance was produced by the excitement of the elections—and it was avowedly connected with those propositions and opinions which are put forth for the Repeal of the Union. My noble friend stated, that at the elections no man could reach the hustings unless he came to vote for the candidates who supported the Repeal of the Union, or unless he was protected by the police or the military. This, my Lords, was the pacificator's freedom of election; so that those who speak most loudly of the liberty of the subject—who speak of the indefeasible rights of man—who call out for freedom and purity of election—these are the very persons to exercise an unlawful intimidation, which destroys all freedom, and which, my

Lords, is a far greater abuse than any of those I had to expose to your Lordships when bringing forward the great measure of Reform. The armed associations of which I have been speaking perambulate the country by day and by night; they threaten all loyal and peaceable men, and not only act for what they call public purposes, but, not unfrequently, to gratify private vengeance. It is not true, as has been asserted, that these associations are wholly directed against tithes. Undoubtedly there is a strong feeling against tithes in Ireland, the unfortunate consequences of which are to be regretted; and it is still more to be regretted that something has not before now been done to remove or obviate its effects; but the assemblies I speak of are not exclusively directed to attain the object of getting rid of tithes. They prescribe on what terms land shall be let, and who shall hire it—they prescribe the mode in which a man shall dispose of his property, under the penalty of death. They prescribe, too, what persons one man shall employ—and they prescribe to the labourers for whom they shall work, forbidding them to labour for any obnoxious individual. They support their decrees with great power, enforcing them by outrages, spoliation, murders, burnings, and other similar crimes—bringing out the inmates of the houses which they attack, and beating them to such an extent that death ensues, or inflicting on them the lesser evil of immediate death. My Lords, this is the state of the country wherever this system prevails, and it is conducted on a principle which shows that these bodies are organized, and can be assembled to attain any object they are directed to accomplish. They assemble in great numbers, make concerted signals, watch the route of the military, and are able to avoid any conflict with the troops by their superior knowledge of the country; so that the army is unable to suppress them. One provision, then, of the Bill which I shall submit to your Lordships, will be to arm the Government with a power to prevent these armed associations by night, and to prevent the disorders and cruelties which they produce. My Lords, these practices are most dangerous and alarming, and they show the absolute necessity of Parliament granting to the Government new powers to support and enforce the law. The time is arrived, my Lords, when, if we would not

have violence effect its lawless object, it is become our duty to enable the Government promptly to carry the law into execution. One cause of this necessity (and perhaps this is the most alarming and dangerous of the proceedings of these bodies) is, that they proscribe all those persons who are in any way employed to carry the law into effect; so that all those who assist the law are exposed to the most cruel proscription. To give your Lordships one singular instance of this, I will mention the case of an orphan girl, against whom a mandate of proscription was directed, and her master was ordered to dismiss her from his service, because her mother had given evidence against a person on a trial on account of tithes. Such orders are enforced by the penalty of death; and cases of this kind are so numerous, that, if all the documents were submitted to your Lordships, they would cover the Table, and could not be read in any reasonable time. The proscription of those who enforce the laws is one of the most dangerous, the most alarming, the most fatal effects of these proceedings; rendering the laws impotent, and the detection and punishment of guilt impossible. The vengeance of these guilty men is, of course, directed against prosecutors, witnesses, jurors, and all who are engaged in carrying into effect the provisions of the law. Such a state of things renders the administration of the law impossible; for neither jurors nor witnesses will do their duty. I have statements, my Lords, of measures of violence exercised against persons under these circumstances, which would occupy much of your Lordships' time were I to read them; I will, therefore, confine myself to one or two instances out of a great number which display the intimidation employed to prevent jurors and witnesses from doing their duty. I hold in my hand, as one specimen, a letter from the chief constable of police, dated Cashel, no longer ago than January 29th, which was forwarded for the information of the Lord Lieutenant. This letter contains the information, that at eight o'clock in the evening, five armed men had attacked a man by the name of Patrick Lalor, who was nearly 70 years of age, ordering him to give up some ground which he had taken two years ago. They took him out and shot him, so that he survived only half an hour. The constable had repaired to the spot,

and all the appearances of guilt appertained to a man by the name of Madden, who had formerly occupied the ground. The son of Lalor was an eye-witness, and though his manner betrayed his knowledge of the transaction, he would not disclose the names of the perpetrators. Here was an instance of an atrocious murder for holding land contrary to the will of the Whitefeet, and of a system of terror which prevented a son from giving evidence against the murderers of his own father, lest he himself should experience a similar fate. My Lords, it is not necessary for me to advert to the attack on the police at Carrickshaugh, for your Lordships know that, on that case, the Jury would not find them guilty, which was a striking proof of the impossibility of carrying the law into execution. At Kilkenny, also, at the assizes, the Jury on a trial did not agree, and they were dismissed. This was at a period of considerable excitement, and they all agreed that nothing should be known of their opinions; but within little more than half an hour after they had been dismissed, a placard appeared bearing the names of those Jurymen who were for the acquittal inscribed in black, and the names of those who were for finding the parties guilty inscribed in red; as if they were for blood; and the placard was headed—"Blood! Blood! Blood!" Those who were thus threatened were obliged to leave the country; and he believed that the steward of his noble friend behind him, who was a Juror, was one of those who were obliged to leave. Five of the Jury were, I think, for the conviction, and seven for the acquittal; and all those who were for the conviction were obliged to leave that part of the country. I have here a great many documents to which I might call your Lordships' attention, but I will forbear. There is one case of a man who was obliged, by such an interference, to give up his mill, and he was deprived of the means of subsistence, and actually obliged to leave the country by the terrible denunciations of these armed bands. These facts may suffice to prove to your Lordships that the Ministers are justified in calling for additional power, and to convince you that something must immediately be done to enforce the laws, if you will not give up the Government altogether, and will do nothing for those who ask you to save and protect them. Further to show the

necessity of this new measure. I may quote a case which occurred at the last assizes held at Clonmel, for the county of Tipperary. At those assizes the panel of the Jurors amounted to 265, and it appeared, on calling over their names, only seventy-six attended; the remaining 189 declared that they would not attend, and that though called and fined, they certainly would not come. It was then stated, that the most respectable of the Jurors, particularly the Roman Catholic Jurors, were so intimidated that they would on no account perform their duty. The most striking example, perhaps, of this which I can adduce, shocked as I am at mentioning so many atrocities which, however, I am obliged to do before I can ask your Lordships to consent to this Bill—the most atrocious case, perhaps, (though I am really afraid to mention names lest evil befall those who are yet left) is that of a gentleman who was murdered near his own gate, on account of a tithe cause. His son-in-law witnessed the murder, and he was summoned by the Coroner to give evidence; but he sent a message instead of attending, declaring that he would submit to any penalty the law imposed rather than appear as a witness, for he could not do that, without eventually forfeiting his life to the vengeance of those who had murdered his relation. Here, then, was a most atrocious violation of the law, and a person most interested in enforcing the law would not assist in it. It is evident, then, as stated in his Majesty's Speech, that "a spirit of insubordination and violence has risen to the most fearful height in Ireland rendering life and property insecure, defying the authority of the law." In fact, my Lords, the law as it now stands cannot be executed, and there is such a system of intimidation that your Lordships must find the means of enforcing the law—or it will be utterly ineffectual to protect the rights of the subjects. My Lords, to show your Lordships further what is the state of the country, I will quote a letter from a person employed by the Government, dated Kilkenny, Jan. 20, 1833, and directed to Sir William Gossett. In this letter the writer states "it is but right that Government should know, in due time, that many gentlemen, who have always been conscientious in the discharge of their duties, will not attend as Jurors at the next assizes. They care not what fine may be imposed on them. They refuse to attend,

because they know that death will follow if they dare to act. It is the boast of the prisoners that they cannot, under existing circumstances, be found guilty. There is an awful calendar; and if strong measures be not resorted to, the law will be set at nought." It is not necessary for me, my Lords, to go any further into particulars to prove the first part of the proposition, that the state of Ireland is of no ordinary description, and that the situation of people of loyal and good character is so unprotected that the law is crippled—it is not necessary I say, for me to go any further to prove that the state of the country requires that the power of the law should be restored, and that vigorous remedies should be applied. To bring the state of the country before your Lordships, however, down to this time, and show your Lordships that the ordinary laws cannot remedy the disorders, I will now quote a letter which I hold in my hand addressed by the Attorney-General of Ireland, to Mr. Stanley and dated the 24th of last month. He states, that the criminals upon the Home Circuit alone are equal to what they were in the whole country two years ago, and that their crimes are not of an ordinary, but of the most atrocious description. Of 150 cases, not one is connected with tithes—not one victim was a gentleman or a man of fortune, but the poor and the defenceless, labourers, women, and the most helpless class of the community, are the victims of that tyranny which is carried on in such a relentless spirit, and in such blind obedience to a cruel system. Assassination, he says, is the order of the day, and the habitual practice of those who make robbery their occupation. He gives an account of the crimes committed during the last year, and I almost fear to read to your Lordships the frightful catalogue. Between the 1st of January, 1831, and the end of December, 1832, the number of homicides was 242; of robberies, 1,179; of burglaries, 401; of burnings, 568; of houghing cattle, 290; of serious assaults, 161; of riots, 203; of illegal rescues, 353; of illegal notices, 2,094; of illegal meetings, 427; of injuries to property, 796; of attacks on houses, 723; of firing with intent to kill, 328; of robbery of arms, 117; of administering unlawful oaths, 163; of resistance to legal process, 8; of turning up land, 20; of resistance to tithes, 50; taking forcible possession, 2: making, altogether, a total

of 9,002 crimes committed in one year, and all crimes of a description connected with, and growing out of the disturbed state of the country. I must, unfortunately, also state to your Lordships, that this system is in a state of progression, and is increasing, rather than diminishing. I will not go further into the details, but merely state a comparison between the three months ending with September—that is, July, August, and September, and the three ending with December—that is, October, November, and December. The total number of crimes committed in the first three months was 1279; the total number committed in the last three months was 1646; so that the number of crimes is unfortunately increasing. This increase of crime affords a strong ground, my Lords, for intrusting the Government with additional powers; for unless the growth of crime be checked, it threatens to lay waste the whole country. Before proceeding to lay before your Lordships the plan of operations which his Majesty's Ministers have determined to pursue, I wish to make a few observations. It is clear that these insurrections and the inflictions which follow them are not confined to a particular class of persons, for these outrages—the murders, the pillages, the burnings—have been directed against Catholics as well as against Protestants. They arise from a general demoralization, such as I believe never before existed. I shall now, with your Lordships' permission, say a few words with respect to the conduct of his Majesty's Ministers. I think that they cannot be charged with having come to Parliament too soon or unnecessarily to ask for additional powers. The contrary is the charge to which they are most exposed. They have deferred this step as long as possible. I did not listen to the urgent appeals which were made to me to adopt severe measures in the course of the last Session of Parliament; and I plead guilty to an anxious desire to delay having recourse to them, till the latest moment, and until their necessity should be such as to force itself on the conviction of all mankind. I do not, however, feel that it is a heavy charge against the Ministers, that they have suffered themselves to be pressed and urged to take this step, rather than show themselves eager and anxious to adopt it. I confess, that I did hope, that the ordinary powers of the law, supported by a large military force (the

largest, I believe, that has ever been in Ireland during a time of peace, and, in point of regular troops, exceeding, in a proportion of nearly four to one, the amount of the regular army which was, at the time of the Rebellion, in that country), I did hope, with the assistance of such a force in support of the Administration and execution of the law, that peace and good order would have been preserved; and in consistency with all the principles of my public life, and with what I felt to be my public duty, I did not therefore think myself at liberty to propose measures of severity and coercion until the powers of the existing law had been found insufficient. I should be sorry to think that, by any neglect of duty on my part, I have in the least contributed to the promotion of crime in Ireland; but I accept the defence made for Government so feelingly, so convincingly, and, I think, so honourably, in another place—that the postponement of these measures until the last moment was, at least, attended with this advantage—that it caused the necessity of a step which I feel to be contrary to the principles of the Constitution to be seen and acknowledged by all. But it was not merely upon general principles that I acted in this way; the fact is, that the milder measures which Government, in the first instance, adopted to restore tranquillity, did not prove unsuccessful. Their first essay was to send a special commission to the county of Clare, where the disturbances had been as great as in any other part of Ireland at any subsequent period. By this measure, and by the support of a military force, perfect peace was restored to that county, which, from that time to this, has remained in a state of tranquillity and order. The same good effect was produced in Queen's County. As was formerly stated in this House, a prospect of success in putting down the disturbances I have described, did show itself at the period to which I am now alluding. The first proceedings adopted for the enforcement of tithes gave us hope, that the resistance to the collection of tithes would cease, and that, with the strong exertions of Government, the empire of the law and the security of the country would be permanently established. That hope has been disappointed; and when things arrived at the state at which they are at present, I certainly did not hesitate to seize the very first opportunity which

the assembling of Parliament has afforded me, of coming before your Lordships for the purpose of asking you to strengthen the hands of his Majesty's Government, and to adopt such measures as will enable us to act with effect for the protection of the country. My Lords, I feel that I have omitted many things which I ought to have stated to your Lordships, and among others, in speaking of the intimidation held out to prosecutors and witnesses in Ireland. I should also have added that the same system was directed against the Magistrates likewise; and although I feel it to be the duty of the Magistrates to act vigorously, and the duty of Government to press upon them the necessity of executing the trust reposed in them fearlessly, still I admit that it is not in human nature, exposed as the Magistrates are in Ireland, not to shrink from the performance of a duty which exposes themselves, their families, and property, to destruction. I lament exceedingly that all the exertions which might have been made for the restoration of peace—and which, I believe, with the assistance of the military and police force, would have been effectual for that purpose, were not resorted to. I am, however, far from imputing blame to the Magistrates on this account, knowing, as I do, the severe penalties to which the discharge of that duty exposed them. This, however, is only another circumstance which makes it imperative on us to arm the Crown with additional powers for the repression of those outrages and disorders which prevail to such an alarming extent in Ireland. It now becomes my duty to state to your Lordships the nature of the measures which I mean to propose for this purpose. I have already remarked that the Bill has two objects: first of all, the suppression of that illegal association, which I have described to your Lordships at some length, and the dangers arising from which require no comment; and next, the repression of the violent disorders at present existing in Ireland. For this purpose the Government have had under their consideration various Acts of Parliament applicable to both cases; and the Bill which I have to propose to your Lordships combines different provisions taken from several laws which have been passed both in the Irish and English Parliaments at different periods, for the putting down of similar evils, with such alterations as the circumstances of the case

and the time appear to require. In the first place, with respect to illegal societies and associations, the provisions of the Bill which I have to lay upon the Table are taken from the 8th George 4th, cap. 1, commonly called the Proclamation Act, which enables the Lord Lieutenant to disperse all assemblies that may be by him, deemed dangerous to the public safety, or inconsistent with the due administration of the law; and all adjournments or continuation of the same, under any name or pretext whatever. The only alteration which I have to propose with respect to this Act, is to make this offence a misdemeanor at common law. As the law of George 4th now stands, it declares these meetings illegal; but it has been disputed whether the sitting of these meetings after the issue of the Lord Lieutenant's order for their dispersion, be not, in fact, a misdemeanor under the common law. Although I believe that such a position cannot be maintained, still, to prevent any mistake or dispute on the subject, the offence is made, by the Bill which I propose, punishable as a misdemeanor. In subsequent parts of the Bill provisions are made for declaring districts to be in a state of disturbance; and it is provided that different courts and different modes of inquiry shall be instituted in the proclaimed districts, before which any offences against this Act may be prosecuted. This relates to the whole of the country; and the Lord Lieutenant is to have the power of suppressing all illegal meetings, at all times, and in all parts of Ireland. The Act also provides, that persons prosecuted under it shall be obliged to plead forthwith, and not be allowed to delay their trial by traversing. The Lord Lieutenant is to have the power also by proclamation, of declaring any county in a state of disturbance, and such county shall be deemed a proclaimed district, to which the enactments of the Bill I now propose shall be applied. By this proclamation all the inhabitants will be called upon to abstain from seditious and unlawful assemblies, and to remain within their houses between sunset and sunrise. This is a provision taken from the 4th George 1st, and appears to me to be absolutely necessary under the present circumstances of the country. It is also provided, that a proclamation in the *Dublin Gazette* is to be taken as a sufficient notice that any district, to which such proclamation applies,

has been declared a disturbed district; and it is also further provided, that in these proclaimed districts, no meeting for the petitioning of Parliament, or the discussion of any alleged grievances, or of any matter relating to tithes, &c. Church or State, shall be holden, without a previous written notice of ten days being given to the Lord Lieutenant, and his sanction being obtained to such meeting. If this notice were not required, the proclamation would be useless except in Dublin. The period of ten days has been selected, to allow time for forwarding a due notice to Government of all meetings to be held at a distance from that city, as well as for receiving an answer to the requisition. Your Lordships are aware, that by the Insurrection Act, the power of trying these offences was confined to justices of the Session, assisted by a serjeant-at-law, or king's counsel to whom was committed the power of inflicting a penalty to the extent of transportation. I think there are good reasons why it is not perfectly desirable that this power should be intrusted to Magistrates. In the first place, they are, as I have stated, liable to intimidation; and in the next, they are, as has been found on former occasions of a similar nature, too often engaged in party disputes, which engender ill blood and pervert the course of justice. In the last place, it has been felt, that after the cessation of the evils themselves, irritation and animosity remain; and those Magistrates, who perform their duties most scrupulously and faithfully, are exposed to feelings of ill-will and threatened vengeance that long survive the cause in which they originated. For all these reasons it has appeared to his Majesty's Government advisable to propose that all offenders in these proclaimed districts shall be tried by courts-martial, constituted in a manner which I shall afterwards explain to your Lordships, and which will be enabled to try all offences committed under the various Acts known by the name of the "Whiteboy Act," and others, and also all offences under the law which I shall propose for your Lordships' adoption. They will have full power for trying such offences, and will be enabled to pronounce sentence in the same manner as any court of oyer and terminer. This, I admit, must appear a very extensive and unconstitutional measure. It is a substitute of courts-martial for the ordinary courts of common-

law I feel as much pain, arising from the necessity of proposing such a measure, as any man can; but, in order to make the law effectual for the suppression of the existing evils, we feel it to be impossible to stop short of what we now propose. In making this provision, I feel, however, that we are bound to secure it as far as possible from abuse. By former Acts, and particularly by the 39th George 3rd, passed for the suppression of outrages and disturbances, power was given to the Lord Lieutenant to appoint courts-martial as he should think fit, without any limitation as to number or otherwise. Here it is provided, that courts-martial, assembled under this Act, shall not consist of more than nine, or of less than five persons. It is also provided, that no officer under twenty-one years of age, or who shall not have held his commission in the army during the period of two years, shall be capable of acting on such courts-martial. It is also further declared, that these courts-martial shall not have the power of trying for any offence to which the penalty of death is annexed, without the special direction of the Lord Lieutenant; and in that case they will not have the power of inflicting a sentence beyond transportation. These are the limitations and securities, added to those arising out of the general honour and good conduct of the officers of the army, which we propose to attach to the provisions of a law, that is, I again admit, unconstitutional, but which we feel to be absolutely necessary. My Lords, there is another security which I had almost forgotten to mention to you, but which I consider to be a most important security for the proper conduct of this tribunal. I have already stated, that, under former Insurrection Acts, the Lord Lieutenant was empowered to appoint a sergeant-at-law, or king's counsel, to assist the Magistrate. Here it is made imperative that a king's counsel, or sergeant, shall attend and assist, as judge-advocate, in these courts. When I state that such is the nature of the law, I must declare that I feel no suspicion that the power of these courts will be abused, but, on the contrary, I entertain the most sanguine expectations that they will be exercised effectually and justly. Having said so much with respect to the great outlines of the intended measure, I do not think it necessary, at the present moment, to enter into an explanation of all the subordinate details by which the whole principle is to be carried into effect. I have already ob-

served, that all persons found out of their houses between sun-set and sun-rise, and all persons who shall be discovered, upon search, to be absent from their houses during the same period, without being able to advance a lawful reason for such absence, will be subject to be tried before these tribunals. Power will also be given by the Bill to enter houses in search of arms and ammunition; and all persons refusing to deliver them up, when called upon so to do, will likewise be subject to the powers of this Act. There is a further clause directing that any person found distributing seditious papers shall be subject to the penalty of misdemeanor; but, on such persons truly declaring from whom they shall have received these seditious papers for the purpose of distribution, it may be lawful for the courts-martial to discharge such persons out of custody. It is also provided, that any attempt to injure either the persons or property of witnesses or prosecutors, or of any person attending for the purpose of prosecution, or any attempt to deter such persons from appearing in court, shall be punishable, if committed in a proclaimed district, by transportation for seven years. This provision, which, in former Acts, applied only to witnesses, and, in such cases, inflicted the penalty of death, appears to me now to be properly extended to jurors and prosecutors. Then follows a clause to shield officers, acting on courts-martial, from future prosecutions. This is likewise a proviso which I consider indispensable; because it is quite evident, that, however carefully and faithfully those officers may discharge their duties—and I believe they will always be found to act impartially—they cannot but be, unless protected by such a clause, exposed to malicious and vexatious prosecutions. This protection, however, is not to be given them without some limitation and control; and it is, therefore, provided, that any complaints made against officers, on account of the proceedings at any court-martial to which they may have been attached, shall be inquired into by a court-martial called for that purpose. Thus far martial law will be applied to those districts in which the state of disturbance shall be such as to compel the Lord Lieutenant to declare them to be proclaimed districts; and I trust that this measure will be found effectual to restore the country, at no distant period, to such a state as may allow the Government to have recourse to the ordinary power and authority of the law for the re-

pression of disturbance. There is another provision to which I wish to direct the attention of your Lordships, which, in my opinion, is decidedly called for to render this measure effectual. It is intended to be enacted, that when any individual, arrested under this Bill, sues out a writ of *habeas corpus*, it shall be a sufficient return to the writ, within three months from the time of his arrest, that the person so detained was kept in custody by virtue of this Act. This provision only applies to proclaimed districts; and the power of detaining a person thus charged is not to be indefinite, but limited to three months; for it is further provided, as an additional security, that all persons arrested under this Act, shall be brought to trial within three calendar months, or discharged. I do not think it requisite for me to state further the general provisions of this Bill. There are certain subordinate details necessary for its execution, which certainly ought to be subjected to the most careful examination, but which will more properly fall under your Lordships' consideration at a future stage of the Bill. I am aware that it is an extensive and a severe measure. It combines the provisions, as far as they are applicable to the present case, of the Proclamation Act, the Insurrection Act, the partial application of martial law, and the partial suspension (where such suspension shall be deemed necessary) of the *Habeas Corpus* Act. These are, undoubtedly, great, and extensive, and severe powers to be intrusted to Government—are only to be exercised in extraordinary circumstances, and are such as, if permanently established, are incompatible with free institutions. These are, however, powers which the necessity of the case appears to me to call for, and which, by the necessity of the case, and by that alone can be justified. For, my Lords, it is a condition of all free governments to possess powers of an arbitrary nature, applicable to circumstances such as at present exist in Ireland. Such powers, if resorted to on all occasions, must prove destructive to every free government; but if an emergency arise in which the public safety is endangered, and there exist no powers of this nature, no free governments can be secure against the results of such an emergency. On the principle of *salus populi suprema lex*, it has been the practice of all free governments—and of none more than the Government of this great empire—when the safety of the State was threatened—when public tranquillity was sub-

verted and destroyed—for the security of liberty itself—for the very preservation of freedom—to suspend for a time, and for a time only, the usual laws of the State. All true liberty, my Lords, is based on public order; and if public order be disturbed and destroyed, liberty cannot exist. Under a government possessed of arbitrary power, liberty can have no existence. Under a government not possessed of power to control violence and repress outrages, such as I have described, the security of the State itself would be at an end, and order annihilated. The question, then, for your Lordships to decide is, whether or not a case has been made out, to justify the measures I propose. I have stated to your Lordships what have been the endeavours of the Government to put the common law of the land into execution. I have described the way in which we have proceeded, with reference to those unconstitutional and illegal associations; for though, by cunning devices, they keep themselves apparently within the strict limits of the law, there is no doubt that in their nature and objects they are subversive of the peace, security, and even liberty of the country. I have shown your Lordships in what manner the outrages now prevailing in Ireland, whether springing from this sort of associations or not, have spread all over Ireland. I have shown you how large bodies of armed men assemble together and assail his Majesty's peaceable subjects. I have shown that they are active in the destruction of the property of obnoxious individuals; and I have shown that the existing law is impotent to control them. Having shown this to be the case, it is with extreme reluctance, and yet with entire confidence, that I throw myself upon your Lordships' candour in proposing measures which I trust will be effectual for suppressing those associations, and putting an end to those disorders. I have omitted to mention another measure which it is in the contemplation of Government to propose, but which does not properly form a part of the present Bill. I mean a measure to provide for changing the *venue* in cases where intimidation is practised, and to enable the Crown to remove the trial of offences to some other part of the country than that in which the *venue* may be originally laid, in order that justice may be fairly and impartially administered. This will be the subject of another and separate measure, which, also, the present state of Ireland renders necessary. In con-

clusion, my Lords, I beg leave to move, that the Bill I hold in my hand for the more effectual suppression of local disturbances and dangerous associations in Ireland be read a first time.

The Earl of *Longford* said, that after the very detailed exposition into which the noble Earl had entered, it was not necessary for him to trespass at any length on the attention of their Lordships, nor should he have felt it necessary to do so at all if it were not for the very great importance of the subject. He did not rise for the purpose of offering any opposition to the Bill which the noble Earl had laid on the Table, because, unfortunately, in the circumstances in which Ireland was placed, he had only one of two alternatives—either of giving support to the Government in restoring the due dominion of law in that country, or allowing it to become a prey to those whose machinations would involve it in ruin. He admitted that the statement made by the noble Earl did not contain any exaggerated picture of the present condition of Ireland; and, so far from thinking the proposed measures too strong, he would say, that if he had any objection to them, it was that they were not strong enough. He owned, however, that he did not look with any great hope to the operation of those measures, considering that their execution was to be confided to one who did not enjoy the confidence of the people of Ireland. He had, therefore, little expectation that they would be efficient. He could assure their Lordships, that it was difficult for those who were not on the spot to form a correct notion of the state of Ireland in many parts, as far as related to the general insecurity of person and property. By day, as well as by night, this general insecurity prevailed. What, he would ask, was the cause of this general insubordination?—Excitement. What was the cause of excitement?—Agitation. What was the cause of agitation?—Invitation. He would not conceal his impression of the fact, that the people of Ireland had been invited to go on with the agitation, from which he believed much of the present disorders proceeded. Who was it that had publicly called on the people of Ireland, and told them to “agitate, agitate, agitate?” Why the very individual who was now called on, in the execution of those measures of coercion, to repress those results of agitation, which agitation he had before encouraged by his own advice. There could not, he therefore contended, be any

great confidence placed in the result of measures the execution of which was to be intrusted to such hands. He said this without any feelings of personal hostility to the noble Marquess at the head of the government of Ireland; but on public grounds he felt that he was justified in saying, that in his administration of the government of that country the people could not place much confidence. The people of Ireland might be divided into three great classes—the upper, the middle, and the lower. Of the upper he might say, that nine-tenths were supporters of the Government; of the middle-classes, three-fourths; and of the lower one-half. These were all anxious to lend all their support to the due maintenance of the laws, but it could not be expected that they would come forward to give their support to the State, unless the State protected them in return. It was now admitted, that the Government had not the power, and the Magistrates, and others connected with the administration of the law, declared that they could not continue to act, unless the Government were armed with powers to protect them. Last Session, the Government was told, that it ought to be armed with such power, but they then declared that it was not necessary. What had happened since? Why, they had now an organization of parties throughout the country, as general and as strict as if it had been that of a military power. He was aware that the chief parties to this were not military men, nor was the organization one of a military character; yet it was carried on in such a manner that men were told when to agitate, when to act, and when to cease; that it wanted but a very little more to bring the whole into a military form. That system was still going on; to that system coercion was to be applied. But who were to be coerced? Not the peaceable and well-disposed, but the riotous and disorderly—those who committed crime. But would the measures proposed by the noble Earl reach those who were the most guilty? he feared not. He had an intention to propose a measure which he thought would reach the parties most guilty, but, as the matter was taken up by the Government, he would not now bring the measure forward. In measures intended to reach the crime of treason, it was known that the innocent seldom suffered; but then it often happened that the parties most guilty—the aiders and abettors—escaped. The most guilty leaders were in general cunning enough to screen them-

selves from punishment. They might speak and act—they might deliver violent speeches, and send forth inflammatory publications, and yet all this time keep themselves within the law, while they were producing the very worst effects on the public mind. Would not, he asked, the ends of justice be defeated, if the acts of such men were allowed to escape with impunity? How would matters stand in the case of a county which was proclaimed and placed under martial law. A county could not be proclaimed until several acts of riot and insubordination had taken place within it. It was probable that a month or so of agitation and disorder would pass over before the proclamation of the county could take place; but how was it proposed to deal with those who had caused the agitation and excitement, and thus induced the necessity of placing the county out of the ordinary pale of the law? Were there no means to be devised of reaching such persons? If there were not, the chief end of these coercive measures would, in a great degree, be defeated. He called the attention of the noble Earl to these points, not with the view of entering into the discussion of them at that moment, but for the purpose of directing his consideration to them in a subsequent stage of the measure now before them. He would beg of their Lordships to consider that it was not the higher classes in Ireland who required the protection of the Legislature; it was an humble class, who were goaded into excitement by others. The protection of the Legislature should be given to men who were disposed to obey the law, but who were deterred by a system of intimidation and violence. He hoped these matters would not be lost sight of by noble Lords in the progress of the measure before them.

The Duke of *Wellington* said, that having heard the proposition of the noble Earl (Grey) he hoped their Lordships would not suppose that he rose for the purpose of throwing any difficulty in the way of that proposition. Not only did he not intend to offer any opposition to the measure before their Lordships, but he felt disposed to give it all the support in his power. He would not even offer a word calculated to cause any soreness to those who proposed and supported the noble Earl's Motion, which he hoped would pass unanimously. Without at present entering into the general subject arising out of the measure before them, he would only

say, that he still entertained the opinion which had been expressed by himself and many other noble Lords, that a measure of this kind ought to have been introduced before now. He was of opinion that the Government ought to have continued the Proclamation Act in Ireland, and he had thought, at one time, that the noble Earl was disposed to do so. The result, however, was what he anticipated, and they saw it in the measure now before them. With that measure, he repeated, he did not mean to quarrel; he only hoped that it would be successful, and produce the desired effect. Having said thus much, he would not now enter into the consideration of the evils and their causes, to which the noble Earl had alluded; but, in reference to the cause of some of those evils, he thought that the noble Earl had not hit the great evil which had produced the present state of Ireland; and, therefore, he feared that the measures which the noble Earl brought forward would not be found strong enough to meet it; he alluded to the evil of a perpetual conspiracy between the priests and demagogues of Ireland against the government of that country. He would admit that the suspension of the *Habeas Corpus* Act would go far to meet this, but he feared that it would not be found strong enough to reach it. The noble Earl seemed to place great reliance on the efficacy of courts-martial; but he should bear in mind that courts-martial could not act without having evidence on oath before them; but if the measures of intimidation of which the noble Earl had spoken were still to be carried on, it might be difficult to obtain that evidence, and in that case he might find that his whole machinery of courts-martial would break down. He hoped the noble Earl would give this subject full consideration. He knew what courts-martial were, and he knew that dependence might be placed on officers of the army for the honest and honourable discharge of any duties which they might be called on to perform; but before they decided, they must have full evidence before them. He did not state this with a view of provoking any discussion at present—for that he would reserve himself to the second reading of the Bill—he only ventured to throw it out as a suggestion for the consideration of the noble Earl. Another point to which he would beg to direct the attention of the noble Earl was that

which related to the arrest of persons charged with offences against the proclamation, or against any act by which they might be brought under the jurisdiction of the courts-martial. Did he understand the noble Earl to mean, that the courts-martial on military officers were to undertake those preliminary duties which were now discharged by Magistrates and officers of the civil power—such as the arrest of persons, taking informations, and other necessary forms, preliminary to the trial of the accused? If military officers were to perform the part of the police and of the Magistrates, he was much afraid that they would not answer the proposed object—that they would not go on with the trial of the accused without the ordinary aids usually rendered at present by Magistrates and others of the civil power. He would now say a word upon another point. The noble Earl had not said anything about the approval of the decision of the courts-martial. All that he was able to collect from what the noble Earl had stated was, that the judgment of the courts-martial should be binding, the same as that of his Majesty's courts of oyer and terminer. But let it be recollected, that the decisions of courts-martial were not considered final until they had been approved of by the Crown. Was it intended that the judgments of courts-martial in proclaimed districts in Ireland should be sent for approval to the Lord Lieutenant, who represented the Crown? If so, his objection was answered, for he thought it would be most unjust and impolitic to give this power to courts-martial without allowing them the aid of a superior authority, which ought to take upon itself the responsibility of the confirmation of the sentence. Before he sat down he would say a word on the subject of the Catholic question. The noble Earl had expressed his regret that the concession of the claims of the Catholics had not been productive of all the benefits which had been expected from it; and one reason assigned by the noble Earl was, that the concession of those claims had been forced from the Government. Why, he (the Duke of Wellington) had stated to their Lordships, over and over again, the causes which had induced the Government of that day to recommend the grant of that concession to the King. They had stated that Ireland, not from one cause alone, but from many causes, was at the time in a state bordering on civil war.

They had not said that civil war was to be expected; they might, if they had been so disposed, have occasioned a civil war, and thus have postponed the concession; but they had not taken that course. They had never thought of making the concession through fear. They saw Ireland, from many causes, in a state bordering on civil war; and they had recommended the concession of the Catholic claims as a measure likely to be productive of most beneficial effects; but they had never said and never were under any apprehension that a civil war in Ireland would have been the consequence of a refusal of those claims, and he owned that he was surprised to hear any such insinuation thrown out. There were many noble Lords then present who well knew the grounds on which that great question had been brought forward, and who could bear testimony that it had not originated in any fears that a civil war would be the consequence of its refusal. Having made those few remarks, he would not trouble their Lordships further, but would repeat that it was not his intention to offer any opposition to the motion of the noble Earl, but that, on the contrary, he would give it all the support in his power.

The Earl of *Uxbridge* said, he had had the honour of a seat in that House so very recently that he claimed their Lordships' indulgence for rising thus early on a question of such importance to obtrude himself on their notice. He was, however, induced to do so by the remarks which had fallen from the noble Earl (Longford) on the cross bench. He owned that he had heard from the noble Earl with astonishment and regret that a noble Marquess, his near relative, had been the cause of the agitation which now prevailed in Ireland; nay, more, that to him might also be attributed some of the violent results of that agitation. Good God! from what country had the noble Earl come who had made the assertion? Did he (the Earl of Longford) not know, as a native of that country, that agitation had prevailed long before the noble Marquess (Anglesey) had been called upon to preside over its Government? Had the noble Earl read the whole of the letter in which the words quoted by him had been used? If he had done so attentively, he would have found that it could not fairly be said to bear the construction which he had put upon it. The words "agitate, agitate, agitate," did not mean, and never were intended to convey the

meaning, that anything was to be done which was contrary to law. All that his noble relation meant was, that the people of Ireland should not cease to use all legal means to obtain the restoration of their just rights. But if the noble earl had entertained a serious conviction that it was the intention of the noble Marquess to produce the agitation which had since taken place in that country, he must say that the noble Earl had not done his duty as a Lord of Parliament, for he had suffered two years to pass away, during which the noble Marquess still continued at the head of the government of Ireland, and he had never once come to that House to state which he ought to have done, if his conviction were such as he now declared—that the noble Marquess was not a fit person to continue at the head of that government. What, he would ask, had prevented the noble Earl from bringing this charge forward at an earlier period, and why had he now, at the end of two years, selected the period of the absence of the noble Marquess to introduce it? He was, he owned, much surprised at the course which the noble Earl had adopted with respect to his noble relation, and he could not forbear to express himself upon it as he had done. He hoped their Lordships would excuse him for thus obtruding himself on their attention on a matter so merely of a personal nature.

The Earl of *Longford*, in explanation, said, that in the last session he had been prevented by a severe affection in his throat, which had almost deprived him of speech, from attending in Parliament. He could not, therefore, have brought the subject forward at that time, but he had taken the present, the earliest opportunity which presented itself, of bringing the matter before the House; and he must now repeat what he had before said—his conviction that while the noble Marquess remained at the head of the Government of that country he could not obtain the confidence of either of the two great parties into which it was divided. The words of the noble Marquess—"agitate, agitate, agitate," had, he was convinced, not been received in the sense in which the noble Earl (*Uxbridge*) now took them; on the contrary, they were received in a sense diametrically opposite. He had not said that the noble Marquess had created the agitation that had followed, but that he had encouraged it. That certainly was

the prevalent feeling in Ireland with respect to his advice on that occasion. When he stated this, he was far from attributing to the noble Marquess any intention of producing the mischievous effects that had since taken place in Ireland; but though nothing might have been and was no doubt further from the wish of the noble Marquess, it was his belief, and as such he had stated it to their Lordships, that very bad effects had followed from that advice, and that, in consequence, the noble Marquess (and he spoke in this case what he believed to be the feelings of a very large body in Ireland) could not be looked up to with confidence in Ireland, which must necessarily detract from the efficiency of those measures the execution of which were to be confided to his hands.

The Earl of *Eldon* would admit that when a measure of the kind now presented to their Lordships was brought forward, it must rest on a principle of necessity, arising out of considerations of public security. On such occasions, in order to preserve the general liberty of the country, it must be partly compromised for a time, which could not be done without a suspension of the ordinary forms of the Constitution. When a necessity for such a suspension was made out, no man who wished well to his country should withhold his assent from a coercive measure, however deeply he might lament the cause which had called it forth. On these grounds, and believing that the necessity existed, he would give his support to the Bill introduced by the noble Earl; but having thus given his assent, he should wish to know the particular period during which it was proposed that the measure should continue in operation. No doubt it must continue as long as the cause existed which had called it forth, but he should wish that it should continue a little longer—that was, until (and this, he thought, would not be found without its proper use in repressing agitation) justice was done in all those cases which might have arisen while it was in force, and that the close of the act should not be marked by the impunity of some of those who should become guilty under it. The noble Earl would remember an instance of the kind which occurred at the expiry of the Proclamation Act. A party who had pleaded guilty, and whose case had been adjourned over, had been allowed unavoidably to escape with impunity. He hoped the noble Earl

would not think this suggestion unworthy of his consideration : the object being to reach as far as possible those who were really guilty, it would be desirable that the Act should not be allowed to expire until justice was done on all who should have been found guilty by the courts appointed under the Act.

Earl Grey observed, that the noble and learned Lord who last addressed the House, had truly stated the principle on which this measure rested. It must be defended on a principle of necessity, arising out of considerations of public safety ; but the extraordinary power thus called into operation could not *ex vi termini* be allowed to exist beyond the cause which had produced it. As to the specific time to be named in the Bill itself, during which it was to be in force, he had left a blank in it, which could be filled up in the Committee. He feared that it could not be allowed to cease as soon as could be wished, but the sooner its extraordinary powers could be dispensed with the better. He should be glad to be enabled to propose its repeal in the present Session, if circumstances should permit. At present, it was his intention that it should be in force until the next Session of Parliament, and to the end of that Session ; Parliament in the mean time taking such measures for its repeal or further duration as circumstances should require. He was aware of the case to which the noble and learned Lord had alluded under the late Act ; and though there was no provision made in the present Bill for such a case, he should be happy to avail himself of the noble and learned Lord's aid, and to receive any suggestion of his to meet any case of that kind, if it should be considered necessary. At present he did not think it was, but he should give the matter his best consideration, and if, after such consideration, he should think such a provision advisable, he would be glad to have the assistance of the noble and learned Lord in making it, but that subject would come more properly before the House at a future stage of the Bill.

The Lord Chancellor rose to detain their Lordships for a very few moments, while he expressed his entire and complete concurrence both in the views which his noble friend (Earl Grey) had expressed, and in the measure the first reading of which his noble friend had proposed to their Lordships. No man in

that House, or indeed, he might say, in the country, could more deplore the sadness of the case which not only justified, but made it imperative on the individuals composing his Majesty's Administration to call on Parliament for a measure of such severity as characterised that now proposed ; but, much as he deplored the necessity, the time had arrived when it would be an act of inhumanity as well as injustice to hesitate. He agreed in voting for the proposition of his noble friend, and, by so doing he considered he took upon himself the full share of the responsibility which might attach to his Majesty's Administration, for having proposed that measure—first, because he deemed it absolutely necessary. The duties between the subject and the Government were reciprocal, and that Legislature, in which was vested the supreme power of the State, had no right to claim obedience to the law, nor had the Crown any right to claim allegiance, until that Legislature should secure, and that Crown command, complete and effectual protection for the life, liberty, and property of the subject. That Legislature was to be deemed as having abandoned its functions, and that Crown was to be considered in the hands of a usurper, and not qualified to claim allegiance, from the very moment it could be shown that the protection of the subject was at an end. Now, in what manner did those principles refer to Ireland ? The facts which had been detailed to their Lordships by his noble friend, and the reference which had been made to others of a no less melancholy nature, proved, beyond the possibility of doubt, that that allegiance which the peaceable portion of his Majesty's subjects, which the honest and industrious classes of the realm, were disposed willingly and cheerfully to pay to the Crown, could not meet with a return from the hands of the Government such as that part of the people had an undoubted and indefeasible right to expect ; he meant effectual protection of life and property. Such being the case, and with a view of remedying such a state of things, he for one heartily concurred in recommending to their Lordships the enactment for the present—he sincerely hoped the duration would be brief—of a law vesting extreme powers in the hands of the Executive Government of the country. The second ground on which he ventured to recommend to their Lordships

the proposition of his noble friend was, a firm conviction that it would prove effectual. Had it been a paltry, insignificant measure—he meant in its tendency and effects, but still as great an encroachment on the Constitution, as great a violation of ordinary rules, and as great an infringement on the liberty of the subject as any of the powers proposed to be created by the measure of his noble friend could be said to effect—had it gone to sanction violence without affording the least hope that the object which it contemplated would be attained—he for one would never have given it his sanction. That, however, was not the case. The measure of his noble friend went very energetically to effect its purpose; indeed the very extremity to which it went afforded the best security that, on the one hand, it would effect that purpose, and, on the other, that its duration would be short. That probability of a short duration formed the third ground on which the measure had his support. Severe in its nature, strong in its aspect, he felt confident it would be found effectual in its purpose, and consequently that the period of its duration would be brief. Before proceeding to state his further reasons for recommending the adoption of the measure, he desired to allude to the speech of the noble Duke (Wellington), with a view of setting him right upon two points which he seemed to think would diminish the efficiency of the measure—firstly, the want of powers to compel the aid of the civil authorities; and secondly, the difficulty which he alleged would be found in obtaining evidence. With regard to the first point, he begged to observe that the Bill would contain ample provisions for compelling the assistance of all the civil authorities, whether justices of the peace, constables, or police, to render full assistance to the tribunals which were to be established in the execution of processes &c. Then, with respect to evidence, it was but natural to expect, that the very provisions of the measure would restore confidence to those whom it might be found necessary to bring forward either as prosecutors or witnesses. The last ground on which he supported the proposition of his noble friend was, that he had entire confidence in the individual to whose hands its execution would be intrusted. The extreme power which, for a particular purpose and for a limited period—and it

was to be hoped it would be for a very limited period—Parliament was called upon to enact, was to be placed in the hands of his noble and gallant friend, the Viceroy of that unhappy part of the kingdom—unhappy, as being made the prey of disturbers and agitators—a man whose wisdom and sagacity as well as great firmness, were acknowledged—a man who, on every occasion, mixed up humanity and kindly feeling with firmness, boldness, and promptitude. In that man he placed his most unbounded confidence, because his character gave ample security that not one of the powers with which he would be intrusted would be abused. On the contrary, that, so far from being exceeded or abused, the past life of that individual, and the feelings which he had ever manifested, gave every assurance that those powers would not be called into action unless in cases of necessity, and that, when had recourse to, they would be used with all the wisdom consistent with his well known affection for the people of the country over which he presided. There was one other reason which induced him to approve of the proposition; it was, that it was accompanied with measures of relief, and because, great and important as those measures were which had already been announced, he knew that others were in preparation, and would follow when the authority of the law was restored, and the peace of the country effectually secured.

Lord *Ellenborough* said, that he did not intend to follow the noble Lord in his arguments; and that he considered he gave a strong example of forbearance in not detailing the reasons he might give why the measures proposed by the noble Earl should not be adopted. The noble Lords on his side the House deplored the unhappy state of Ireland as much as any other noble Lords could do, and they lamented as much the painful necessity that could call for an extension of the powers of the law. He had been more than once called upon to vote for coercive measures towards Ireland, and he had invariably done so with the most unfeigned regret, which he considered to be upon such melancholy occasions, the general feeling of that House. If he had voted for former coercive measures against his wishes, how much stronger must now be his reluctance to support the present measure, which he considered to be nothing less than a complication of all

the coercive measures hitherto proposed with respect to Ireland? Though certainly, he felt disposed to support Government in their efforts to uphold the law in this sad emergency, still, he wished to examine and compare those measures, and see whether the acts complained of justified such unexampled measures of severity and coercion. Such were his feelings upon every occasion that extraordinary powers were demanded. For the present, he forbore to point out the acts committed by the present Government, as well as those they abstained from, which, in his opinion had mainly led to the evils they all now deplored. He would say no more than, merely repeat the extreme pain and regret with which he should vote for the details of the proposed measure, even though he should think them the very best to meet and remedy the existing evils complained of. However, he confessed that precedent justified the noble Earl in the course he was pursuing. It was another subject of regret with him, that the Bill should be read without any authority, save that of the noble Earl, for the details of the many evils which that Bill was destined to remedy. Some other testimony was necessary; and he thought that the House should proceed upon certain and definite evidence, which could not be given unless documentary proofs were laid upon the Table. He begged, before he sat down, to be informed when the Bill was to be read a second time?

Earl Grey : On Monday.

Lord Cloncurry had entertained a hope that the noble Earl and his colleagues would not have pressed for a measure suspending the laws in Ireland, until they had previously tried what might be the effect of that measure relative to the Irish Church, just propounded by Government, upon which they seemed to found such strong hopes of tranquillizing much of the agitation but too prevalent in Ireland. The Irish Members had expressed their unqualified gratification at that measure, and he was sure so would the majority of the Irish people. He trusted the noble Earl would excuse him expressing on this occasion the deep concern and anxious fears he could not help entertaining, at finding that a measure of this character and nature should have been deemed necessary, at so early a period after their Lordships had been convened together in Parliament; and would ear-

nently recommend that the adoption of those measures should be deferred.

The Marquess of Lansdown believed the measure introduced by his noble friend to be indispensably necessary, and that it would be considered both by the House and the country, that it was become expedient to intrust the Government with the extensive powers applied for in this instance, in order to preserve the peace as well as protect the lives and properties of individuals in that alarmingly agitated country. At the same time, he avowed that the measure was a severe and awful one, and he concurred with the noble Baron (Lord Cloncurry), in feeling great reluctance to sanctioning the measure. The peculiar circumstances of this case were of so urgent a nature, and so necessary in order to maintain those objects he alluded to, that they precluded the possibility of his noble friend waiting any longer. The measure was become already necessary at once, for the protection of the peaceable inhabitants of Ireland, and the vindication of the authority and greatness of this free nation. A noble Baron had claimed to himself considerable credit for his forbearance in not entering into the discussion of the causes to which he thought he might attribute the present disturbances and agitation in that country. But on that subject, he would throw down the gauntlet, and challenge that noble Lord as to the merits of that forbearance. Upon his side, he believed the Government might have asserted a still stronger claim to forbearance than the noble Lord or his friends possibly could. On this subject he would not amplify, but content himself with saying, that it seemed extraordinary, that he alone should require or call for documentary evidence to prove that there existed a state of things in Ireland which alarmed all friends of order in both countries. That such a disorganized state of society really existed, no one but that noble Baron required other proofs than those which had attained such general publicity through the ordinary channels of information. All were, he believed, with the exception of the noble Baron, convinced of the danger which threatened the security of property there, and liberty and freedom, not only of the rich, but of the poor and peaceably disposed throughout Ireland. It must be obvious, that the production of documentary evidence would have the dangerous and much to be avoided effect of making

disclosures of names and persons to whom the information upon which Government felt itself bound to come down to the House, and demand these extensive powers, might, and most probably would, be traced. The consequences must unavoidably be, that had these disclosures taken place, these persons would be held up to the vengeance of the lawless and bloody-minded in that country, and become the objects of furious and sanguinary persecution. This would be to afford a fresh opportunity to that odious and banded tyranny in Ireland, which made victims of all those persons in that country who had peculiar claims to the protection of law, because they obeyed, and fain would support the law. In that obedience consisted their crime. He would not hesitate to tell that noble Baron, if he had remained in the House, that it was wise and prudent, if these increased powers were at all to be granted to the Irish Government, to adopt the proposition at once, upon the well-known notoriety of the facts, without waiting or calling for documentary evidence. It was their duty to acquiesce in the first and second reading at once; and it would be the duty of Ministers to render it suitable to its object in the Committee when the Bill would be examined in detail. The intention and object of the Ministers in proposing this Bill was to restore peace and tranquillity in Ireland, so as to pave the way to the promised measures of relief, which he felt it would be impossible to extend to that country with safety, until effectual protection was given to persons and property. From the moment the Government entertained the saddening conviction that there was no prospect of checking insubordination, violence, and bloodshed, by the operation of existing legal means, they immediately set about accomplishing that which it was the first duty of good Government to attend to—namely, the protection of the property and lives of those who were peaceably disposed and obedient to the established laws. In so acting, they had but performed their bounden duty; for, as had been well observed by the noble and learned Lord on the Woolsack, if the Government did not afford protection to the subject, from the subject it could not expect allegiance.

The Earl of Wicklow had hoped that, from the manner in which this subject had been brought before the House by the noble

Earl, and supported by the noble Lord on the Woolsack, and after the observations of the noble Duke, there would have been no attempt made, particularly in the absence of the noble Baron to whom the allusion was made, and the challenge given, to introduce topics of an acrimonious nature into the present discussion, such as had fallen from the last speaker. He concurred generally, he must confess, in the calm and temperate suggestions made by that noble Lord. If they were bound, by the urgency of the case, to adopt the alternative of dispensing with the law, and give to his Majesty's Ministers a power to wield at will, a weapon of such extreme severity, it certainly would have been desirable that such documents should have been laid on their Table, to inform their Lordships' judgment on the necessity for this very decisive and much to be regretted measure of coercion. He would appeal to all the regretted precedents of instances of coercion in Ireland, that it had been the habit, on such occasions, to produce documentary evidence, such as that required by the noble Baron, who had been the object of remarks made by the noble Marquess, in a tone tending to excite a feeling of hostility, from which those with whom he acted, as well as others, appeared to have determined to abstain.

HOUSE OF COMMONS,

Friday, February 15, 1833.

MINUTES.] Papers ordered. On the Motion of Alderman WOOD, various Accounts relative to the Manufacture and Exportation of Soap.—On the Motion of Mr. C. K. TYNTE, an Account of all the Sums paid in England on Account of the Personal Estate Tax.—On the Motion of Mr. METHUEN, an Account of the Expense incurred during each of the last ten years in the passing Irish and Scotch Vagrants.—On the Motion of Mr. WIGNEY, the Amount of the House and Window Tax paid by each County and Town in England.—On the Motion of Mr. SPRING RICE, the Annual Revenue Accounts.

Petitions presented. By Mr. RICHARD POTTER, from the Unitarian Congregation of Salford, for a National System of Education.—By Mr. YELVERTON, from Carmarthen, that the Right of Electing their Magistrates may be extended to the 10^l. Electors and Householders.—By Mr. SHEIL, from Lisnolm, for the Abolition of Tithes in Ireland.—By Mr. ROEBUCK, from St. Michael's; and by General PALMER, from St. James's Bath, against the Assessed Taxes.—By Mr. OLIPHANT, from Perth; and by Mr. MADOX, from Denbigh, for the Abolition of Slavery.

NATIONAL EDUCATION.] Mr. Potter presented a Petition from the Unitarian Congregation of Green-gate, Salford, praying the House to take measures to promote a National System of Education,

The petitioners expressed their conviction that ample funds might be provided for this purpose from the numerous charitable bequests which had been left for the promotion of education, many of which were much mismanaged, to say the least. The petitioners stated—"That education, which by enlightening the mind, and forming the character, tends to prevent poverty and crime, was the principal means by which existing evils can be checked, and even worse evils averted." In that sentiment he agreed. The petitioners added—"That if for this object it be necessary to impose an educational tax, your petitioners will cheerfully bear their part of the burthen—while they feel assured that no such necessity can exist in a nation where there are many rich private charities shamefully mismanaged, if not misdirected, which, in equity, are available towards the education of the labouring classes; and especially where there is a large amount of ecclesiastical property, the bulk of which was given for the express purpose of instructing and succouring the poor, not of a sect but of the nation." In illustration of this remark, he would mention the case of the Manchester Free Grammar School, the income of which was upwards of 4,400*l.*, and only 150 boys were educated, many of whom were not even on the foundation, but paid for their tuition. The salaries of the masters amounted to 1069*l.*; the remainder of the annual income was appropriated to repairs, and to a fund for rebuilding the school. If the bequest were properly managed, instead of 150 boys receiving education, at least 3,000 might be taught. The bequest deed provided that education should not be confined to Latin and Greek.

Mr. *Wilks* having been requested to support the prayer of this petition, did so most cheerfully, though he did not entertain similar religious opinions with the petitioners. The petitioners sought for national education on those tolerant principles which could alone render the experiment comprehensive, and beneficial. The hon. member for Wigan had quoted the case of the Manchester Free School, and had informed the House of the great abuses which existed in that institution. The subject was connected with another topic of public importance. In 1816, 1817, and 1818, Select Committees were appointed to inquire into the state of the

education of the lower classes. These Committees sat for three years; much labour was devoted to that object—great evils were discovered—and great hopes excited—but what public benefit had been yet the result? In the year 1818, a bill passed for the appointment of Commissioners to inquire into education and charity estates. The Commissioners had made twenty-one voluminous Reports, but half the kingdom was yet unexplored. A great expense had been incurred, mountains of materials had been collected and piled up, but no advantage had yet been produced. Ample funds existed for national education, without imposing any additional charge upon the people; and they ought to petition till the object be attained.

Mr. *Brotherton* expressed his concurrence in the sentiments contained in the petition. It was unnecessary for him to trespass on the time of the House, by enlarging on the advantages of a national system of education. No one could doubt that the better instructed the people were, the better chance there was of checking crime. Although he was disposed to admit, that an extensive system of education would be a powerful means of preventing crime, he was of opinion that education alone, without a reduction of the burthens of the people, would not be found a sufficient remedy. Taxes produced poverty, and poverty produced crime; for it was always found that in years of the greatest distress there was an increase of crime. If the burthens on the labouring classes were lightened, if the hours of labour were reduced in our manufactories, and a national system of education promoted, the country might expect to enjoy peace, if not great prosperity. The petitioners expressed their belief that much might be done in the promotion of education, without laying on any additional tax on the people for that purpose, and in that opinion he concurred. According to returns made to Parliament, the revenue of endowed schools in England amounted to upwards of three millions annually; and he had little doubt, if the funds of the different charities, which had been left for the purpose of educating the people, were judiciously appropriated, ample means of instruction might be provided without additional taxation. If the unappropriated income of the Manchester Free School, which his hon. friend had

alluded to, were judiciously managed, a sufficient provision might be made for the education of a considerable portion of the labouring population of Manchester.

Petition to lie on the Table.

TITHES (ENGLAND).] Mr. Charles Cavendish presented a Petition from Pevensy, against the system of Tithes, and for Church Reform.

Mr. Warre supported the prayer of the petition. He believed that the great majority of the people were opposed to the tithe system.

Mr. Herbert Curteis said, that there was scarcely anything for which the people in that part of the country were more anxious than for Church Reform and a commutation of tithes. The vicar of the parish whence this petition came was a pluralist, and had not done duty there for seventeen years. However, he must do him the justice to say, that he was not opposed to Church Reform, though himself a glaring instance of its necessity. The English people would not be satisfied without they received equal relief with the Irish.

Mr. Gillon said, that he was a proprietor of lands in that vicinity, and was most earnest in wishing that the prayer of that petition should be attended to. He considered that the Church had no indefeasible right to the property of the tithes, but that they belonged to the nation. As a Dissenter, he felt the hardship of the present Church system still more strongly. The system of tithes depressed the energies of the country, and increased pauperism by draining the country of its resources, and bestowing them on pluralists and absentees, as was the case in the present instance; it required a most comprehensive and searching reform.

Mr. Faithful supported the petition. The Church had no indefeasible right to this property. A change in the present system would do more to raise up the agricultural interest than ten Parliamentary Reforms. As a Dissenter, he felt the tithe system to be a great hardship, and he hoped the grievances under which Dissenters laboured in this respect would not be lost sight of. In this case the incumbent being a pluralist and a non-resident, it made the matter as bad as it could be, even in Ireland.

Sir Charles Blunt said, the clergyman in this case derived 1,200*l.* a-year from the parish, and made no return in any

way. Nothing could prove more strongly the necessity of Church Reform.

Petition laid on the Table.

BEER BILL—MALT DUTIES.] Mr. Herbert Curteis presented a Petition from the Inhabitants of Battle, for a Repeal of the Duties on Malt. He expressed a hope that some other Members would join him in urging the Government to repeal these duties as well as those on hops, so that the poor man might have good wholesome beer at a cheap rate, which the Beer Bill had not given him.

Sir Charles Burrell said, that as allusion had been made to the Beer Bill, he must say that he opposed it at the time, and considered it as a most unfortunate measure, and one which had tended to the demoralization of the people. One great object that it professed was to give to the labouring man wholesome beer for himself and his family, without the necessity of resorting to a public-house. But he would venture to assert, that scarcely an extra gallon of beer had been brewed in private houses since the Beer Bill had passed. If the House were anxious to protect the morals of the people, it would at least make great alterations in the law if it did not rescind it altogether. He thought the repeal or diminution of the Malt duties would prove much more advantageous to the labouring man than this Bill.

Mr. Robert Palmer said, that he had been one of those who originally opposed the measure. He agreed with his hon. friend in the view which he had taken of the question. Those of the Members of the House who were Magistrates would find, upon inquiry, that it had proved very injurious to the labouring classes, and was the main cause of much of the immorality and insubordination which prevailed amongst them; and so far from giving the poor a cheaper and better liquor, the beer brewed by the large brewers was better and cheaper than that at the beer shops. It was his intention to move for a Committee of Inquiry on this subject. The noble Lord opposite, (Lord Althorp) had said, he would not object to such a Committee. He would, however, defer his motion till the noble Lord had laid before the House his financial arrangements, as he did not wish in the least to embarrass his Majesty's Government.

Mr. Warburton said, that where beer

was brewed in large quantities, it might, of course, be brewed stronger at less expense than when brewed in small quantities. The hon. member for Berkshire if he expected the small beer shops to brew better and cheaper than the large brewers expected, what was contrary to the laws of manufacture. The hon. member for Berkshire said, it promoted immorality. It might have done so in his district—but as far as he (Mr. Warburton) could judge from what had taken place under his own view in the London districts, it had rather promoted morality than otherwise. He thought one great cause of the extraordinary hostility of the Magistrates to it was, that the Beer Bill suspended their powers, and took away from them that monopoly in the licensing of public-houses which they had before exercised.

Mr. *Sanford* thought the hon. member for Bridport, had not answered the hon. member for Berkshire. He, indeed, admitted the fact. He concurred in the view taken by hon. Members of the bad consequences of the Beer Bill. With regard to the observation as to the Magistrates being displeased at losing their monopoly, it was neither correct nor honourable to make such imputations. In the towns, he believed much jobbing did exist; but that was not the case in the country. In the towns, too, the operation of the Beer Bill might have proved beneficial; but whoever compared its effects in the country by its results in large towns, would find himself most miserably deceived.

Mr. *Lewis Fenton* bore witness to the demoralizing tendency of the Beer Bill: scarcely a murder, fire, or robbery, took place in the country but had its origin at a beer shop. The hon. Member defended the conduct of the magistracy.

Mr. *Slaney* said, he had originally been in favour of the measure. The right hon. Member for the University of Cambridge did him the honour to put him upon the Committee; but he then, though he approved of the principle, thought it ought to be accompanied by greater restrictions. More security should have been required. At present the owners of the beer shops were all men of straw; but if they could only be opened by men of some little property, the public would have something like a guarantee for the manner in which they were conducted. By attention to this point, he thought they might introduce a

measure which would preserve the benefits of the Bill, and yet get rid of its evils.

Mr. *Hume* said, the hon. member for Shoreham (Sir Charles Burrell) had asked, whether the House was anxious to protect the morals of the people. Did the hon. Member suppose, that the best method of protecting the morals of the people was by suppressing the beer shops, and thus driving the lower orders to the gin shops. Before the hon. Member attributed the immorality of the people to the existence of the beer shops, he ought to have inquired what was the state of morals in the United States of America, and in France, where no restrictions upon the sale of intoxicating liquors existed. He would find that in these countries the free trade in these commodities had been productive of none of the results which had been attributed to it in this country. The cause of crime, in his opinion, was neither the existence of beer shops nor of gin shops, as superficial observers asserted. The true cause of the increase of crime, was nothing but the want of education. The brutalizing effects of ignorance, and not the beer shops, was the cause of the demoralization of the people, of which complaints were so frequently made. Remove that ignorance, and they might allow the beer shops to be open as long as the beer-drinker pleased, without injury. That House and the Government had reason to be ashamed that some national system of education had not long since been adopted.

Mr. *Harvey* observed, that there was one grand fallacy in the arguments of those who had spoken upon the subject of beer shops; and that was, that they supposed that the increase of the number of the houses in which beer was retailed, necessarily implied an increase of the quantity of beer consumed in these houses. Unless the quantity of beer consumed in these houses were increased, the whole of the argument fell to the ground; since the number of the houses could be of no detriment if the consumption was not considerably increased. The Legislature, in passing the Act upon the subject of the retail of beer, had not contemplated the mode in which these shops are supplied by the brewers. The best method of preserving the morals of the people, in his opinion, was, by giving them a wholesome beverage at a moderate rate. He thought, that there ought to be small brewhouses, to which people might bring their barley in

small quantities. At present, the poor man could not brew small quantities of barley, for two reasons: the first was, the impossibility of purchasing the utensils necessary for brewing; and the next was, the penalty imposed upon any person lending brewing utensils. Any person who lent such utensils subjected himself to a penalty of 50*l.*, and a friend of his had actually been subjected to that penalty. He contended, therefore, that the poor man ought to be enabled to brew a wholesome beverage from such small quantities of barley as he might have the means of obtaining.

Petition laid on the Table.

SECURITY FOR VOTERS.] Mr. *Hume* rose to present a Petition from certain inhabitants of South Shields, complaining of improper practices at the late election. The petition was numerous and respectably signed. It complained that, during the last election, the various parties who had signed the petition had been subjected to such influence as prevented them from giving an honest and conscientious vote for the election of Members to represent them in Parliament. They were persons whose situation in life did not enable them to brave the threats of certain individuals. They had been placed in danger of losing their employment if they voted in opposition to certain parties. Some parties had actually been subjected to a loss of property in consequence of their votes on the occasion of the election. It was his (Mr. *Hume's*) belief, that not only at South Shields, but at many other places, practices had been resorted to, which were perfectly incompatible with freedom of election. The petitioners prayed, upon these grounds, that the House would take into their consideration the means of preventing such intimidation, and such improper practices at all future elections.

Mr. *Ingham* said, he certainly could not support the prayer of the petition, although it came from the town he had the honour to represent in that House. It was said, that petition was numerously signed, and he did not mean to contradict the assertion, but he would venture to say, that it was not signed by any of the persons who took a part in the last election. In saying this he did not mean, in the slightest degree, to disparage the petitioners; on the contrary, he was one of those who thought every man entitled to the free exercise of his

opinions, and more particularly on a question affecting the freedom of election. He was, of course, present during the proceedings at that election; and he could boldly assert, that he did not encourage, countenance, or connive at, either directly or indirectly, anything bordering on intimidation, or calculated to affect the freedom of election. Having, through the courtesy of the hon. member for Middlesex, been enabled to make himself acquainted with the petition, he would venture to say the statements with respect to intimidation, and the undue influence of property having been carried to any extent, were untrue. It was stated, for instance, that a voter, having been canvassed by one of his best customers, had been unable to refuse his vote. This he supposed, was put forth as an argument in support of the vote by ballot. It was easy to make assertions as to the extent of intimidation, or the influence of property which had been exercised; but he appealed to the hon. member for Middlesex, whether more than three or four instances of the kind had been exercised? And was it, he would ask, extraordinary, that some circumstances of the kind should take place in a new borough, where there were so many candidates? He had seen a statement in the public papers, mentioning one case of a person having been discharged for the vote he gave on that occasion; but, after the best inquiry he could make, he understood that that person had been discharged for misconduct. With respect to that statement, however, he would say, that the party there accused was as much opposed to him (Mr. *Ingham*), as he was to the friend of the hon. member for Middlesex. That hon. Member having thought it right to send a candidate down to that borough, as he doubtless might do if so requested, that candidate had been defeated. This he believed would be found the *hinc illæ lacrymæ* of the petitioners. That gentleman, who wished, of course, to be the first, was not only not first, but not even second—he was last on the poll. This, he would venture to say, would, upon inquiry, turn out to be the true ground of the petition being got up. With respect to the subject matter of the petition itself, he meant its prayer for the vote by ballot, he must say that he considered that that system would open a door to bribery and corruption wider than any which at present existed.

Mr. *Hume* observed, that it was out of deference to the feelings of the hon. Member, that particular instances in proof of the allegations of the petition had been omitted. He had to complain of the use of certain expressions on the part of the hon. member for South Shields, which seemed directed against himself.

Mr. *Ingham* disclaimed any intention of using offensive expressions.

Sir *M. W. Ridley* said, he was quite sure they were indebted for this petition to the circumstance, that the individual sent down to this place by the hon. member for Middlesex had been defeated by his hon. friend, whose uniformly honest and independent conduct had justly endeared him to the electors of that town, in the neighbourhood of which he possessed considerable property. He was certain that his hon. friend had not been privy to any undue interference with the freedom of election in this instance.

Petition to lie on the Table.

FREEDOM OF OPINION.] Mr. *Hume* presented a Petition from the Reverend Robert Taylor, complaining of his having been confined for two years in Horse-monger Lane Gaol, with the additional sentence of being fined 200*l.*, and ordered to find security previous to his enlargement to the amount of 1,000*l.* The petitioner complained that such a sentence in his case amounted actually to that of imprisonment for life. It did certainly appear to him (Mr. *Hume*), that under a free and liberal Government, and in the present enlightened age, prosecutions for differences in existing religious opinions should not be continued. As a Christian, he must deplore such proceedings, for persecutions of that description had ever been detrimental to the cause of Christianity. He did not mean to excuse the conduct of this individual, in acting in a manner that offended the general feeling of the community; and, as to his sentiments, they were such that he (Mr. *Hume*), from every information that he had ever received, or from any opinion that he had ever been able to form, altogether and entirely dissented from. At the same time, he thought it his duty to present this petition, complaining, as it did, of a species of persecution which he conceived should not be persevered in.

Petition to lie on the Table.

UNSTAMPED PUBLICATIONS.] Mr. Sergeant Spankie presented a Petition from Henry Hetherington, complaining of the prosecution which had been instituted against him, and the confinement to which he had been subjected, for the publication of unstamped publications, and praying that if his imprisonment was to be continued, the law should be enforced against the *Penny Magazine* and similar unstamped publications.

Mr. *Hume* thought it was much to be regretted, that in this, the second year of a liberal Administration, they should still have one of the Six Acts in existence, and a number of prosecutions instituted under it. He well recollected, when those Six Acts were proposed, how strongly the noble Lord opposite (Lord Althorp), and many of those around him, opposed them day after day, while they were supported by the right hon. Baronet below him (Sir Robert Peel) as necessary for the safety and security of the country. He remembered also that at that time the present Lord Chief Justice of the King's Bench said, that if such laws should be passed, the constitutional liberties of England would no longer exist, and the late Sir James Macdonald expressed an equally strong opinion against them. Yet, under one of these laws, so characterized, 250 victims had been made to suffer since the present Administration came into office. There had been 170 victims when he last moved for a return on the subject, for the continuation of which return he would move on Monday next, and the prisons were at present full with persons confined for similar offences. He must say, in justice to the right hon. Baronet below him, that though that right hon. Gentleman and his party had obtained this law, they had never enforced it,—that though they had called for it as expedient, at a time when the country was in a very critical situation, they had never put it into execution. The fact was, that since the present Government had come into office, more victims had been thrown into prison on account of those cheap publications than ever had been before since England was England. Could there be grosser persecution than this—that for an offence of this description, an individual should be dragged from his family, thrown into prison, there confined in the dead of winter, from 5 o'clock in the evening till 7 o'clock in the morning, in a cell seven

feet square, without windows, and where, until lately, he had not even the accommodation of a chair or stool? Before he sat down, he begged to ask the noble Lord, whether or not it was his intention to propose the repeal of this Statute. If the noble Lord's reply should be in the negative, then he should feel it his duty again to make an humble effort to remove such a disgrace from the statute-book.

Lord *Althorp* observed, that the hon. Member was quite misinformed with respect to the number of convictions on Government prosecutions for offences against the Stamp Act in respect to periodical publications. The whole number of these prosecutions, instead of 250, was only sixteen, of which *Hetherington* certainly had given occasion to three cases. There had been many more cases certainly; but these were not instituted by the Government. They were brought forward by common informers, with whom the Government had no connexion; and whose only object was, the recovery of the penalties to which they were entitled by the Act. With respect to the repeal of the taxes on periodicals, the noble Lord said, he should decline making any statement whatever.

Mr. *O'Connell* observed, that it was extremely desirable that Government should state as soon as possible what its intentions might be with respect to that portion of the Six Acts which still remained in force, and whether they intended to bring in a Bill for the purpose of removing these enactments from the Statute Book? He hoped they would speedily return to the course appointed by the Common Law, as to the mode and the period of trial. He hoped that these Acts would soon be obliterated from our laws. He was surprised at what had fallen from the noble Lord in his attempt to show that the Government had not been over severe in enforcing the penalties of the Act. If the finances of the country required the imposition of these penalties, surely they ought not to be left to be enforced by common informers. If, out of 250 cases, only sixteen had been brought forward at the instance of the Government, it showed either a great remissness on its part, or a strong feeling of the injustice of the law which they had to enforce. There was another point of view in which the petition of Mr. *Hetherington* deserved consideration; and that was with relation to the

power which it appeared that the persons who had the regulation of the gaols had of inflicting torture; for he considered the confinement of a person for the time mentioned in the petition in a damp cell was neither more nor less than a species of torture. All that was justifiable was to take proper means to prevent the prisoner's escape; but by the mode of confinement sometimes adopted, simple imprisonment was converted into a most serious and afflicting penalty. Means ought to be taken to prevent the punishment of persons convicted of misdemeanour from being thus rendered so much more onerous than was contemplated by the law.

The *Attorney General* observed, that the convictions had nothing political in them. A representation had been made on the subject in the proper quarter, and he had no doubt that proper steps would be taken respecting it.

Mr. *Lennard* believed, that his hon. friend, the member for Taunton, intended to introduce a measure for the purpose of abolishing so much of those odious acts as related to the question of libel; and he was sure if he did so, he would receive the support of the great majority of that House.

Mr. *Ruthven* condemned the introduction of any measures by which the liberties of the subject were restricted. He found fault, therefore, with the system of prison regulation adopted by magistrates both here and in Ireland, and instanced the case of Mr. *Hodnet*, a respectable gentleman of Cork, who had been incarcerated, and made to suffer every privation, in consequence of having taken some part in a tithe meeting.

Mr. *O'Dwyer* concurred in opinion with the hon. member for Dublin. He wished, however, to know whether Mr. *Hetherington* was to be kept in prison till he paid the fines, for if that were the case his confinement would be perpetual.

Petition to lie on the Table.

EMBARGO ON THE DUTCH TRADE.]
On the Motion of the Chancellor of the Exchequer, that the House resolve itself into a Committee of Supply;—

Sir *Robert Peel* said, I rise, in pursuance of the notice which I have given, to make some observations on a subject of the highest interest to the commerce of this and other countries, and involving some considerations of great constitutional

importance. It was my intention to avail myself of the opportunity of going into the Committee of Supply on Wednesday—to call the attention of the House to this subject; but, in consequence of the absence of the noble Lord, the Secretary for Foreign Affairs, and of the hon. and learned Civilian, the member for the Tower Hamlets, and of the hon. and learned Attorney General (for which, however, I do not attach to them the slightest blame, as I had not given them any notice of my intention), I was induced to postpone my observations until the present occasion. The subject to which I refer is the Order in Council, issued by his Majesty in Council, and bearing date the 6th of last November, which prohibits British ships from entering and clearing out for any of the ports within the dominions of the king of the Netherlands, until further orders; which imposes a general embargo on all ships belonging to subjects of the king of the Netherlands in British ports; and which authorizes the seizure, by the commanders of his Majesty's ships of war, of all merchant vessels bearing the flag of the Netherlands, in the open seas. In the debate which took place on the Address, in answer to the Speech from the Throne, I stated that I entertained considerable doubts whether the power which that Order assumed was constitutionally exercised. I felt, however, upon that occasion, that it did not become me, who had no other means of forming an opinion with regard to the law of nations, than those possessed by any other individual in this House, not practically or professionally conversant with those laws, to express a decided opinion on the subject. If I had received from the hon. and learned Gentleman (Dr. Lushington) who replied to me on that occasion, and who justified the Order in Council, any satisfactory solution of my doubts, I should readily have deferred to the high authority of his station, abilities, and professional experience. But when such authority is wholly unsustained by argument, it confers no support on the cause of which it is the advocate. It rather leads to the presumption that all has been said that can be said, and that that all, being insufficient, the cause is intrinsically bad.

The Order in Council to which I refer completely prohibits all commercial intercourse between his Majesty's subjects and

any of the ports within the dominions of the king of Holland; it authorizes the detention of Dutch vessels, being found within our ports and harbours; and proceeding much further than Orders in Council have generally gone, is not limited to a simple embargo, but authorizes the forcible seizure on the open seas, by his Majesty's ships of war, of all merchant vessels bearing the flag of the Netherlands—and the sequestration of their cargo. This Order in Council assigns no reason whatever for so violent a proceeding; it merely states, that it is by order of his Majesty, with the advice of his Privy Council, that restrictions are imposed on our commerce with Holland, and vessels belonging to a nation at peace with this country are to be forcibly detained. This Order is simply signed, "Charles Greville." This appears a very summary mode of dispensing with the statute law of this realm. That it is an exercise of prerogative, suspending acknowledged statute law, no man can deny;—that it is an exercise of prerogative, admitting of gross perversion and abuse, is equally unquestionable. I do not assert—for I have no means of proving, nor have I heard it alleged—that there has been in this individual case, actual partiality or abuse—but the unusual exercise of any prerogative which affords the opportunities of undue favour, and of perversion to party purposes, justifies extreme vigilance and rigid scrutiny. The first Order in Council was followed by another Order, empowering certain departments of the Government to dispense with the rigour of the first in individual cases, according to their discretion—that is to say, there is a general suspension, at the will of the Crown, of one branch of the lawful commerce of the country; and authority given to certain officers of the Crown to permit that commerce in individual cases. Could a corrupt Government wish for greater facilities of favouritism and abuse?

My first proposition is one which it is hardly necessary to prove, but which, that I may not be charged with assuming anything, I will prove—namely, that the rights suspended by this Order in Council, are rights possessed both by British subjects and by foreign merchants, under the positive sanction and guarantee of the statute law. Whether there be a prerogative inherent in the Crown to suspend

those rights under certain circumstances, and whether such circumstances have in this case occurred, are other questions; but that the rights suspended are unquestionable legal rights, admits of no doubt. I will show, by repeated statute laws, that merchant-strangers, belonging to a country in amity with this, have as clear a right to free intercourse with the shores of this country as the native subjects of the King. This right has been conferred by the earliest statutes, and has frequently been confirmed. I take the first—Magna Charta—in which it is declared—

‘That all merchant-strangers (except such as be so publicly prohibited), shall have safe and sure conduct to depart out of England, to come into England, to tarry here, to go in and through England, as well by land as by water, to buy and to sell without any manner of evil toils, by the old and rightful customs, excepting in the time of war.’

It then goes on—

‘And if there shall be a land making war against us, and they be found in our realm at the beginning of the war, they shall be attached, without harm of body or goods, until it be known to us or our Chief Justice, how our merchants therein the land at war with us shall be entreated; and if our merchants be well entreated there, theirs shall be well entreated with us.’

Now, I will take these clear provisions of the law; and I ask whether the Order in Council that was issued in November last is consistent with either their spirit or their letter? I say that merchant-traders by this statute have a right to carry on, in time of peace, a free commercial intercourse with this country; and I am sure that a Reformed House of Commons will not reject the authority of this law as obsolete, because it is Magna Charta. The expression is *nisi publicè prohibiti*,—that is, that they have a right to trade unless they are forbidden by previous and public warning to the contrary. Lord Coke gives it as his opinion, in allusion to the words *publicè prohibiti*, that the prohibition intended by this Act must be by the common and public council of the realm—that is, by Act of Parliament; for that it concerneth the whole realm, and is implied by this word (*publicè*). Lord Coke may perhaps carry this too far in requiring a statutable prohibition; but the abstract which I have read from

Magna Charta proves, that foreign merchants have a right to trade with us while this country remains at peace with their native lands. In the present instance we are at peace with Holland, and yet we have seized on and sequestered the property of her subjects, without notice, without public prohibition, without waiting to see whether our merchants be well entreated there—nay, we have waited, we find our merchants well entreated in Holland, but we continue the maltreatment of the Dutch traders. The provisions of the Magna Charta are thus emphatically confirmed by the 27th Edward 3rd, c. 2, in which it is provided that—

‘To replenish our said realm and lands with money and plate, gold and silver, and merchandises of the lands, and to give courage to merchant-strangers, to come with their wares and merchandises into the realm and land aforesaid, we have ordained and established that all merchant-strangers, which be not of our enmity, of what land or nation that they be, may safely and surely, under our protection and safe conduct, come and dwell in our said realm and lands where they will, and from thence return with their ships, wares, and all manner of merchandises, and freely sell their merchandises at the staple, and elsewhere within the same realm and lands, to any that will buy them, paying the customs thereof due.’

Now, I will not say that the Crown has not the prerogative to dispense with the law on this point; but I will repeat, that it is manifest that, by the statute law of the land, merchant-strangers, of a country in amity with us have a right to free commercial intercourse with us; and that, if his Majesty’s Government issue an Order in Council, prohibiting that intercourse, they dispense with the statute law of the land. Those statutes are in full force at the present moment; and it is impossible to refer to them without admiring the liberal principles by which our ancestors were actuated in their regulations respecting foreign commerce. All those who are the friends of free trade may refer with peculiar satisfaction to those statutes which long preceded the Navigation Act, and all other Acts of a prohibitory nature. Those statutes are founded on the principle that the prosperity of English commerce is interwoven with the prosperity of foreign commerce, and that regulations

favourable to the commerce of other countries would prove favourable to the commerce of our own.

So much for the express law on this subject. I shall now proceed to prove that no exercise of prerogative suspending this law can be justified, excepting in cases of extreme emergency—of clear and manifest necessity. I shall prove this by reference to the highest and most unexceptionable authorities, and shall begin with that of Lord Erskine. The House will see at once that it is in precise accordance with the doctrine I have laid down. Upon the occasion of the Orders in Council, Lord Erskine placed his opinions on record by moving certain resolutions in the House of Lords. The resolutions are as follow :—

1st. That the power of making laws to bind the people of this realm is exclusively vested in his Majesty, by and with the advice and consent of the Lords spiritual and temporal and Commons of the realm in Parliament assembled; and that every attempt to make, alter, suspend, or repeal such laws, by order of his Majesty in Privy Council, or in any other manner than by his Majesty or Parliament, is unconstitutional and illegal.

2nd. That the advising his Majesty to issue any Order in Council for dispensing with or suspending any of the laws of this realm, is a high violation of the fundamental laws and constitution thereof; that the same cannot in any case be justified but by some unforeseen and urgent necessity, endangering the public safety; and that in every such case, it is the duty of his Majesty's Ministers to advise his Majesty, after issuing such Order, forthwith to assemble Parliament, that due provision may be made for the public safety.

3rd. That the law of nations is a part of the law of the land, and that neutral nations, not interposing in the war between his Majesty and his enemies, have a legal right to such freedom of commerce and navigation as is secured to them by the law of nations.

These are the opinions of a man so eminent in the law, as to have been selected to fill the office of Lord Chancellor by an Administration which professed principles similar to those of the present. I can quote many other authorities to the same effect; but as I presume that this House will partake of the indisposition, generally manifested by its predecessors, to the hearing of long quotations of legal opinions, I will, instead of entering into detail, beg leave to refer to a passage which comprises the chief authorities on which I rely, and which is contained in a very able pamphlet,

written upon the subject of the Orders in Council, and universally ascribed to Lord Brougham. I know not whether that noble and learned Lord be the author or not, but the pamphlet exhibits a degree of learning and ability every way worthy of him. The work was at the time reviewed in a celebrated periodical publication—*The Edinburgh Review*. It was spoken of in terms of the highest praise, and the only fault pointed out was, that it understated the force of law, as compared with prerogative, and did not place on sufficiently high ground the legal rights possessed by merchant-strangers. I care not whether this pamphlet be the production of Lord Brougham or not, for I refer to the passage, which I am about to read, not as an authority in itself, but because it recites the highest legal authorities in a condensed form, and thus saves me the trouble of individual reference. The following is the passage, to which I beg the attention of the House :—

‘Prohibitions of exportation have also been often attempted by proclamation, chiefly in the case of arms during war, and corn during war or famine; but Hale says, “that even in times of danger they were not much relied on.” That eminent lawyer concludes that the maxim *que la mer soit ouverte* is the ancient principle of our Constitution, and that the ports can only be shut either against the trade of natives or of foreigners at enmity with the Crown by Statute.

‘The opinions of other lawyers, and the practice of the Constitution in later times, have been precisely consonant with this principle. In admitting the power of the Crown to lay an embargo, Lord Chief Justice Holt adds, that it must be upon great emergencies. The authorities cited for this power in the arguments of Mr. Hampden’s counsel go only to prove its existence in “time of war and imminent danger;” meaning, evidently, not merely a state of warfare in general, but some specific and temporary object of the war—as an expedition, rebellion in the country, &c. So in the case of impositions cited for the same purpose, Mr. Hakewill, who states the power most widely, speaks of a short time, and instances as an emergency which would give the power, “the want of shipping upon some sudden attempts.” While Mr. Gelverton denies,

'that since the time of Edward 3rd, any authority, except that of Parliament, can, except for the moment, and on a very extraordinary emergency, affect the trade of the realm.'

This pamphlet has also the following remarkable passage:—

'Will it be pretended, in the reign of George 3rd, that the Crown can prescribe what merchant-strangers are to do in this realm, when the Judges of Philip and Mary, all in one voice, declared that it could not lawfully prevent them from coming here, or oblige them to trade in one port rather than in another? Will it be maintained, that because the Crown may declare war against a foreign prince, and make his subjects alien enemies, therefore it may, without declaring war, impose restraints upon their conduct within this realm, when we see that there is no power whatever of preventing those subjects from trading in all parts of the realm, so long as peace subsists with their Sovereign?'

I have now referred to the express provisions of the Statute Law—to the recorded opinions of Lord Chancellor Erskine—to the supposed authority of the present Lord Chancellor; together with the authorities which he quotes—namely, Chief Justices Hale and Holt, and the Counsel of Hampden, all of whom concur in maintaining the proposition for which I contend, that the rights given to foreign and native traders by the statute law are indefeasible, except in time of war, or some imminent emergency threatening the public safety. These are the only occasions on which restrictions can be placed by prerogative on those rights which stand on the same foundation of law with all other rights of the King's subjects.

The hon. and learned member for the Tower Hamlets met my argument the other night by a reference to the authority of Lord Stowell. It is necessary that my proposition should be clearly understood. I am not contending against the existence of a prerogative inherent in the Crown, to suspend, under certain circumstances, privileges and immunities conferred by law. I am prepared distinctly to admit, that there is such a prerogative of the Crown; but I maintain that that prerogative cannot be constitutionally exercised excepting in some case of mani-

fest necessity. I maintain that, in relation to a foreign state, the Crown cannot, in time of peace, deprive merchant-strangers of their legal right of free intercourse, excepting in one of these two cases; first, to procure redress for actual injury sustained by subjects of the Crown—that is, to exercise the right of reprisal; or in the *bonâ fide* contemplation of hostilities with the power against which the measures of preliminary caution or severity are directed. This is the limitation which I place on the prerogative of the Crown. If the power of the prerogative extends beyond these limits—if, on the mere arbitrary allegation of State necessity, or on the vague apprehension of possible war, the Crown can suspend the law, then we live not under the rule of law, but under that of undefined and discretionary power. I know that, in other cases, besides those to which I have referred, the Crown has claimed the prerogative of dispensing with the laws; but those are chiefly cases of domestic dangers, wherein the measures taken have not interfered with our international relations; and a reference to these cases will show, that the claim of a suspending prerogative has been uniformly watched with the utmost jealousy; that, in some cases, Parliament has conferred by Statute the suspending power; in others, wherein it has been exercised without previous authority, has sanctioned the act, and indemnified the agents.

In 1803, on the breaking out of the last war with France, circumstances existed which induced the Government to think that it might become necessary to suspend the ordinary operation of the law in certain cases. I find, however, that the then Government did not imagine that the Crown had an inherent authority to do this, for power was expressly given by Statute for that purpose. The 43rd George 3rd, first recites, that, "Whereas the public safety may require that temporary restraints should be imposed on the exportation of copper from his Majesty's dominions;" and then enacts, "that from the time of passing this Act until six months after the ratification of a definitive treaty of peace, his Majesty shall have the power to prohibit the exportation of copper to any place in Europe by Orders in Council." The period during which his Majesty was authorized to exercise this extraordinary power was expressly limited to six months

after the ratification of a definitive treaty of peace. In 1766, under the Administration over which Lord Camden and Lord Chatham presided, there was an apprehension of famine, and, by the advice of his Ministers, the King exercised his prerogative, and issued an Order in Council prohibiting the exportation of wheat and other corn. Lord Camden, at first, contended that the power of doing this existed in the Crown, in virtue of its prerogative. A long discussion ensued upon the question. In the *Parliamentary Register* is an argument, in the form of a speech, attributed to Lord Mansfield, though, I believe, not composed by him, in which all the reasoning against the dispensing power of the Crown is embodied, and the result was, that the arguments of Camden and Chatham were overruled by the plain common sense of Parliament; and an Act was passed to indemnify not only the officers who carried the Order in Council into effect, but the Ministers who advised his Majesty to issue it.

The preamble of this Act, the 7th George 3rd, is as follows :—

‘Whereas, his Majesty, by an Order in Council bearing date the 26th day of September last, was pleased to order that an embargo should be laid upon all ships and vessels laden, or to be laden, in the ports of Great Britain with wheat or wheat flour to be exported to foreign parts, from the date thereof, until the 14th day of November following; which Order could not be justified by law, but was so much for the service of the public, and so necessary for the safety and preservation of his Majesty’s subjects, that it ought to be justified by Act of Parliament; and all persons advising, or acting under, or in obedience to the same, indemnified.’

I am aware that these cases are not immediately connected with the subject at present under our consideration, and I only refer to them for the purpose of showing, that Parliament has uniformly and most wisely exhibited extreme jealousy in regard to a suspending prerogative on the part of the Crown, even when it has been called into action in cases of great and admitted danger. The question before us now is, whether, in the foreign relations of this country, circumstances have occurred which justify Ministers in having advised his Majesty to issue an Order in Council authorizing

the detention of Dutch vessels, and preventing the intercourse of our own vessels with the ports of Holland; and whether, Parliament being assembled, such restrictions on our own commerce and the commerce of a friendly power, may be continued for an indefinite period on the sole authority of the Crown? I maintain they cannot—that there is no proof, no presumption even, that this embargo, as it is called, was imposed, or is now continued, either as a measure of necessary precaution to protect our own vessels from seizure in Holland, or as the means of redress for injuries sustained by British subjects, or as a measure of hostility preparatory to actual war. If it can be defended on none of these grounds, the Order in Council which authorizes the embargo is an exercise of discretionary power unwarranted by the law and constitution of this country, and at direct variance with the public law of nations.

We have had no public communication that hostilities are apprehended. In the Speech from the Throne his Majesty says, “The embargo which I had directed to be imposed on the Dutch commerce has been continued.” This is not a proper description of the act of his Majesty. The Order in Council not only imposes an embargo on Dutch commerce in the ports of England but authorizes the forcible detention of Dutch vessels upon the high seas. An embargo, in the ordinary sense of the term, does not imply a right to make war on the trading vessels of a country at amity with you. This Order in Council goes much further than those which have generally been issued, even in the contemplation of immediate hostilities. Let us see, then, whether the state of circumstances existing between Holland and this country is such as to justify the resort to such unusual and extreme rigour. How does his Majesty, in his last Speech from the Throne, describe our present relations with Holland?

‘I have also to regret that my anxious endeavours to effect a definitive arrangement between Holland and Belgium have hitherto been unsuccessful. I found myself, at length, compelled, in conjunction with the King of the French, to take measures for the execution of the Treaty of the 15th of November, 1831.’

‘The capture of the Citadel of Antwerp has in part accomplished that object; but the Dutch government still refusing to

'evacuate the rest of the territories assigned to Belgium by that treaty, the embargo which I had directed to be imposed on the Dutch commerce has been continued. Negotiations are again commenced, and you may rely on their being conducted on my part, as they have uniformly been, with the single view of insuring to Holland and Belgium a separate existence, on principles of national security and independence.'

Why, surely this Speech from the Throne disproves the apprehension of war. Here is not a word about imminent danger of hostilities, but a public declaration that we have again resumed negotiations with a power in amity with us. Is it possible to contend that British subjects have sustained any injury from Holland? Can it be said that an embargo was imposed on British commerce because the Government apprehended the seizure of British vessels? If so, the result has proved that they were mistaken. The conduct of Holland has not justified your suspicion. She has not followed your example—she has not seized our unarmed vessels—without public notice of her intentions. The language of Ministers of the Crown corresponds with the language of his Majesty's Speech. It denies the existence of war; and if it had any meaning at all, it completely disproved the apprehension or the probability of hostilities at the time the Order in Council was issued. If the Order in Council was in itself an act of injustice which, by forcing Holland to resist, made war a probable event, such a probability of war, originating in such a cause, would be no justification of the Order. You have no right to create the fear of war by your own wrong, and then justify that wrong by the fear which is the offspring of it. The language of Ministers to which I allude is the speech of the noble Secretary of State (Lord Palmerston), addressed to his constituents. If a Minister discusses questions of peace and war at public meetings, he does it, I presume, advisedly, intending to abide by what he says. I cannot suppose that the declarations which the noble Lord made upon the occasion I refer to, were intended merely to cajole his constituents. Be this as it may, this Speech is a public intimation, proceeding from a Minister of the Crown, and it completely negatives the existence and the apprehension of war. The noble Lord is reported to have said:—

'Well, then, as to the third pledge of peace—aye, he would take the bull by the horns, and would not be daunted by the cries of Dutch war, with which his ears had been assailed. Why, would Gentlemen believe, that, in point of fact, there is no Dutch war at all? That England is at war with no Power great or small; that this Dutch war is a mere creature of the imagination and exuberant fancy of those who set up the cry? The embargo here, and the process of ejectment carrying on at Antwerp, are not war against Holland.'

Then the French expedition was no war! If that had been war, the Orders in Council might have been justified, because then there would have been an apprehension of hostilities; but if the siege and capture of Antwerp—if the surrender of 5,000 men as prisoners of war—if the slaughter of several hundreds was not war—and if the capture of Lillo and Leifkenshoek (if that should be effected next spring) will not be war—where, I ask, is your apprehension of hostilities, and where is the justification of your embargo? The noble Lord says, that it required a vivid fancy to foresee even a prospect of war, when France marched 70,000 men through Belgium to attack Antwerp. Why is it, then, that now, Antwerp having surrendered, and the French army having returned—why is it that for thirteen weeks British commerce has been suspended, and the armed vessels of his Majesty have been ordered to seize on the trading vessels of a friendly power? I perceive that the learned Civilian, the member for the Tower Hamlets, can hardly contain himself when he hears a doubt raised as to this being war. He says, that it is war, and nothing but war, to seize by force on the high seas the vessels of another Power. Whether that seizure be war or not, it is an act of unparalleled severity and injustice. Rarely, indeed, has England resorted to a proceeding of this nature, even under the immediate apprehension of war. I could cite many instances in which England, under such circumstances, has respected the property of private traders. When we seized the Danish fleet at Copenhagen, hostilities were not directed against trading vessels. It was not till after Denmark had seized trading vessels of our own country, that an Order in Council was issued authorizing the seizure of theirs. When, in 1804,

we blockaded the French and Spanish fleets in Ferrol, and seized by force the Spanish frigates laden with treasure, no Order in Council was issued authorizing the detention of the trading vessels of that country. In 1803, when the Dutch territories were occupied by the army of France, one month before the declaration of war with the Batavian republic, we imposed an embargo on Dutch ships in the ports of this country, but we did not issue an Order in Council authorizing the detention of trading vessels on the open seas. The principle of our policy, on these occasions, is evident. It is manifestly the interest of England to encourage lawful commerce. On that principle England has acted at all times. Even when hostilities were apprehended, she has wisely abstained from authorizing the detention of vessels engaged in innocent commerce on the open seas; but here, whilst you are denying even the apprehension of hostilities, you authorize the capture of private property; that is to say, you do that in a time of peace, which it has been hitherto considered impolitic and unjust to do in the contemplation of war. This seizure of the vessels of Holland on the high seas, without a declaration of war—without the slightest previous warning—is a grievous injustice. And how is it defended? What are the authorities in vindication of such an act, which can be opposed to those authorities which I have cited for its condemnation? The learned Civilian relied on the authority of Lord Stowell; to what does it amount? In deciding a case in the Court of Admiralty, that learned Judge declared that an embargo was a process frequently resorted to by nations, not immediately connected with hostilities. Who doubts this? Who doubts that there are cases in which embargo may be resorted to—cases of extreme and extraordinary emergency, in which, notwithstanding, there may be no danger of actual war? The question is not whether there are such cases; but whether this be one of them. I admit, as I am bound to admit, the decisive authority of Lord Stowell; but I deny that it sanctions this act of power. All that Lord Stowell declares is, that there may be cases of embargo not immediately connected with hostilities. Reprisal is one case. You seize the vessels, or other property of the subject of a foreign power, in order to procure redress for previous injuries sus-

tained from that power by your own subjects. The embargo, the seizure, may be resorted to, and yet there may be no risk even of eventual war. When our expedition to the Scheldt was in preparation, the Government of this country imposed a temporary embargo on the vessels of other countries then at peace with us, because we wished to prevent the enemy from obtaining any intelligence respecting our intentions. Here was embargo, without fear of hostilities, with the parties whose vessels were placed under temporary restraint. The detention of vessels of a country at peace with us may be justified by the law of nations in a case in which we required them, on a sudden emergency, to convey troops. Here would be embargo and forcible detention, justified by considerations of extreme necessity and public safety. Here are cases falling within the doctrine of Lord Stowell; and the arguments of the learned Civilian amount to this—because there are some cases of embargo, not connected with hostilities, recognized by Lord Stowell, therefore Lord Stowell's authority may be pleaded in favour of this particular act of power. It may be said, that Holland has acted unjustly, or unfairly, towards the new state of Belgium; but I deny, even if this be true, that we are justified by the law of nations in authorising reprisals on Holland for injuries committed by her on a third party. I deny that you have a right, in order to redress the wrong of a third party, to lay an embargo on the ships of the power alleged to have committed the wrong, and still less on those of your own subjects. Vattel expressly condemns such a proceeding; and he refers to a case wherein injury had been sustained by the Knights of Malta from Holland, and wherein England granted reprisals against Holland; and contends that such reprisals were contrary to the law of nations. In respect to reprisals, and in respect to the right of espousing this quarrel of a third power, Vattel observes—

‘ But to grant reprisals against a nation, in favour of foreigners, is to set himself up as judge between that nation and those foreigners, which no sovereign has a right to do. If it be objected that we may espouse the quarrel of another state in a war which appears to us to be just, the case is different. In granting succours against a nation, we do not detain her property or her people that hap-

'pen to be within our territories under the
'public faith; and in declaring war against
'her, we suffer her to withdraw her sub-
'jects and her effects. There are cases in
'which reprisals would be greatly con-
'demnable, even when a declaration of
'war would not be so. When the ques-
'tion which constitutes the ground of a
'dispute relates not to an act of violence,
'or an injury received, but to a con-
'tested right, it is a declaration of war
'that ought to follow an ineffectual at-
'tempt to allow justice by pacific mea-
'sures, and not reprisals, which, in such
'a case, would only be real acts of hosti-
'lity without a declaration of war, and
'would be contrary to public faith.'

The learned Civilian, however, contends, that we may interfere by force to redress the injuries of a third power, and triumphantly refers to a case in modern times, in which England directed reprisals for injuries sustained, not by England, but by Hanover. He says, that on the invasion of Hanover by the Prussian troops in 1806, we laid an embargo upon Prussian vessels, and assigned the invasion of Hanover as the sole cause of our interference. If I do not destroy this Prussian precedent from the foundation—if I do not show that so far from supporting the learned Civilian's argument it is conclusive in my favour—I will abandon the question altogether. I will show, that so far from the Order in Council, laying an embargo on Prussian vessels, having been issued in retortion, or by way of reprisals for the invasion of Hanover, it was on account of previous injuries inflicted by Prussia on British commerce. The Order in Council referred to by the learned Civilian states, that—

'Whereas his Majesty has received ad-
'vice that the king of Prussia has taken
'possession of various parts of the Elec-
'torate of Hanover, and other portions of
'his Majesty's dominions; and whereas
'the king of Prussia has also notified, that
'all British ships shall be excluded from
'the ports of the Prussian dominions, and
'certain other ports in the north of Europe,
'and not suffered to enter and trade there-
'with, in violation of the just rights and
'interests of his Majesty's subjects, and
'contrary to the law and practice of nations
'in amity with each other; his Majesty, by
'the advice of his Privy Council, hereby
'orders, that an embargo be laid upon all
'vessels belonging to his Prussian Ma-

'jesty at present in the ports of the United
'Kingdom.'

Now it appears, from this Order, that so far from the invasion of Hanover being assigned as the sole cause for the imposition of the embargo, there is another important reason alleged—namely, the injury inflicted upon British commerce; which, of course, was a sufficient ground to justify the proceeding. But this is not all. Soon after the issue of this Order in Council, his Majesty made a communication to Parliament, to which I beg the attention of the House:—

'While the violent and unjustifiable
'proceedings of Prussia were directed
'solely against the Electorate of Hanover,
'his Britannic Majesty was advised by
'his Ministers "to forbear all recourse to
'his British subjects" in support of his
'rights; and to content himself with
'"remonstrating" by amicable negotiation,
'against the injury he had sustained, and
'resting his claim for reparation on the
'moderation of his conduct, on the justice
'of his representation, and on the common
'interest which Prussia herself must ulti-
'mately feel, to resist a system destructive
'of all legitimate possession. But, when
'instead of receiving assurances conform-
'able to this just expectation, his Majesty
'was informed that the determination had
'been taken of excluding, by force, the
'vessels and commodities of Great Britain
'from ports and countries under the law-
'ful dominion or forcible control of
'Prussia, it was impossible for his Ma-
'jesty longer to delay to act, without neg-
'lecting the first duty which he owed to
'his people. The dignity of his Crown,
'and the interests of his subjects, equally
'forbade his acquiescing in this open and
'unprovoked aggression.'

And this is the case on which the learned Civilian relies in order to disprove my argument that the wrongs of third powers ought not to be redressed by means of reprisal! So far from alleging the invasion of Hanover as the sole ground of hostile proceedings against Prussian vessels, his Majesty informed his Parliament, in substance, if it was only the invasion of Hanover of which he had to complain, he would not have imposed restrictions on the commerce between England and Prussia, and that it was not until the ships of his own subjects had been refused admission to Prussian ports that he had thought it necessary to direct

the embargo on Prussian vessels. The learned Civilian stated, that there were negotiations carrying on with Holland of great importance, which might have terminated in general war, unless Holland made what he considers just concessions. Now, I positively deny that you have a right to wield this prerogative of the Crown as an instrument of negotiation. I deny that the King is empowered to suspend the law, and to fetter the commerce of his subjects, on the ground that by such an exercise of authority, he may possibly compel a foreign power with whom he is negotiating into submission to his views. There is an end of all security to weaker powers from the maxims of public law, if they may be overruled, at the discretion of the stronger, on such vague allegations of State necessity and public policy. Ministers may think the king of Holland unreasonable and obstinate in refusing to deliver up the possession of forts assigned to Belgium; but I deny that therefore they have a right to place an embargo on the ships of that nation. It is a matter for negotiation, which may perhaps end in war; but, in the present state of things, Ministers have no right, because the detention of vessels is a less forcible act than war, to resort to such a proceeding. There are recognized states of peace and war; the actual commencement of hostilities requires a declaration of war, but such an intermediate state as that in which we now are with a nation in amity with us is a thing unknown before. This country ought to be the last to establish a precedent of this nature. I will not enter into the merits of the question at issue between Holland and Belgium—I will not say a word with respect to the course of policy which Government has pursued, because this is not a fit occasion for doing so. For the sake of argument I will admit all that Ministers have said as to the importance of compelling Holland to comply with the wishes of the Allied Powers, but I do not the less deny, that there is a right inherent in the Crown to impose restrictions on the commerce of this country, and on that of an ally, for the purpose of extorting the acquiescence of Holland. It is too much that, on a mere allegation of State necessity, the trade of the country should have been suspended for thirteen weeks by an Order in Council, signed "Charles. Greville." What grievous calamities must be caused

by this Order in Council! What opportunities does it furnish for improper practices! Let it not be supposed that, in referring to the danger of a precedent, I am inferring that the evil has really occurred. That is not the case, for I have heard of no instance of abuse. It is evident, however, that a state of restricted trade, occasioned by Orders in Council, affords opportunities for conferring undue favour upon particular persons. The law of the land gives to all persons the privilege of trading with other nations; but when that law is suspended, Ministers claim, and perhaps it is necessary that they should possess, the right of remitting the Order in certain cases. But, whether abuse occurs or not, as regards our own merchants, what a terrible wrong must be sustained by foreign merchants whose vessels are seized! Civilization and refinement appear to have made little progress in regulating our intercourse with a foreign power. We revert for our precedents to ages of barbarism, when injuries and measures of retaliation were directed—not against the State—but against the innocent subjects of that State. At this period, when we discountenance plunder by armies on land, are we, in England, to encourage it by sea upon defenceless traders? I say that these acts and decrees are the acts and decrees of barbarism, and not of civilization. You seize upon vessels proceeding from a Dutch colony to Holland, the captains of which have never heard of your dispute with their country, and received no notice whatever of the hazard which they run! You do not authorize the detention of vessels of war. No; you reverse the practice which this country has followed in former instances, by making war, not upon armed vessels, but defenceless merchant ships; and you not only take possession of those in our own ports, but seize upon others on the open sea, in spite of Hale's exulting declaration—*Que la mer soit ouverte*. If the cargo on board a ship thus seized be of a perishable nature, the Government kindly permits it to be landed; that is to say, after a vessel laden with sugar has shipped a quantity of water during a long voyage, and the sugar is daily melting away, permission is given to have it placed in a British warehouse. The mere process of unloading and reloading is a positive injury in such a case. An instance of this kind has occurred within the last month, and

I believe that the captain of the vessel, having no instructions to regulate his conduct, refused to land his cargo. The sugar is not permitted to be imported for the purposes of refining, but must be lodged in warehouses, and shipped again when the embargo shall cease. To make the matter worse, however, the loss will mainly fall upon the British insurers; for I apprehend that most of the vessels are insured. I do not know whether the insurers are by law bound to make good losses occasioned in this manner, but I am informed that such is the high feeling of honour on the part of British insurers, that in a case of this kind they will voluntarily bear the loss.

The subject is one deeply deserving the consideration of the House, and I wish the attention of Gentlemen to be directed to it for the purposes of deciding whether or not it is just and fitting to persevere in the maintenance of such Orders in Council. It may be said, that the Order has been issued to promote some great object of State policy. As far as I can judge, I doubt the wisdom of the policy which has dictated the issuing of the Order in Council; for I will now put out of consideration the legal and constitutional question. Taking the case, however, on the showing of Ministers themselves—admitting for the sake of argument, that the public interest requires the immediate arrangement of the dispute between Holland and Belgium—is there not reason to suppose, that the revocation of the Order will facilitate the settlement of the extremely difficult and complicated question at present pending? A Conference took place between Holland and Belgium and the Five Powers of Europe. The Five Powers agreed as to the principle of a treaty which has been lately enforced: but three of those Powers refused to take part in any attempt to compel Holland by force to comply with the stipulations of that treaty. The main object of the Convention between England and France was the recovery of Antwerp, and the forts depending upon it, from the dominion of Holland. That object the King's Speech states to have been attained. Antwerp and the forts immediately dependent upon it have been recovered; the French army has marched back into France; why then should the English Order in Council be retained? Is there anything inconsistent with the honour of England in revoking

it? What is the consequence of that Order? Since it was issued, the Scheldt has been closed against the vessels of England and France. If the Order should be revoked, would not the Scheldt be opened? Is not the Order in Council at present the chief impediment to the renewal of negotiations? The Three Powers refused to take part in our forcible measures: a portion of those forcible measures continues in the existence of the Order in Council. Can the Three Powers again take part in the negotiations until it be withdrawn? Or will Holland consent to negotiate with France and England, excluding the Three Powers from the negotiation? Will she treat with the Powers who have resorted to force, and reject the aid of other powers which were adverse to the employment of force? Is not, in truth, this Order in Council the great obstacle to the renewal of negotiation?

It may be, and probably is, that the real motive for this Order in Council is the hope that the severities which it authorizes will indispose the people of Holland towards their own Government and thus coerce that Government into submission to our will. Beware how you rely on the effect of unjust severity! There are pressures which combine, instead of dissipating, the elements of national strength. There are trials to which nations are exposed, in which the public spirit is refined and purified from the dregs of baser passions—in which there arises that holy flame of resistance to wrong, which redresses the inequalities of physical force, and confounds the calculations that rely on the influence of ordinary motives. Fear is a powerful motive; self-interest is a powerful motive; in ordinary times much will be endured from the love of repose, and from the habits which commercial industry engenders; but there have been periods in the history of many nations—there have been periods in the history of our own—above all, there have been periods in the history of that Holland which is now the object of our displeasure, when fear and interest, and the love of repose, and the habits of peaceful industry, have been as dust in the balance compared with the sense of indignity and wrong, and the spirit of heroic fortitude that is roused by unjust aggression. From a strong impression that the measures we are now pursuing will provoke resistance rather than ensure submission—from

serious doubts whether they are in conformity with our own municipal law, and with the law of nations—whether they are not equally opposed to public policy as to public justice—I earnestly press these considerations upon the attention of Government and of Parliament.

Dr. *Lushington* said, that as the observations which he had made on a former occasion had been so frequently the subject of notice by the right hon. Baronet, the House would pardon him if he troubled them with a few remarks in reply to the right hon. Baronet, and in justification of the sentiments he then delivered. He assured the House, that in doing so, he should not feel it necessary to detain them long, nor should he attempt to contest many of the propositions which the right hon. Baronet had laboured to establish; least of all should he be disposed to deny, nor had he even in the whole of his life, denied, the doctrine which the right hon. Baronet had eloquently enforced at the end of his speech, that in all our dealings with foreign states, in all our intercourse with them, and more especially in dealings of any kind between Great Britain and states of minor importance, it was the duty of this country, as well as her interest, ever to adhere to those principles of justice, and of international law, whereby the weaker were defended from the oppressions of the stronger. He had ever been the advocate of such principles, and he had often had to deplore that the governments with which the right hon. Baronet had been successively connected, had so often shown such little regard for the rights of foreign states, and so little respect for those principles of magnanimity by which it was justly said, the intercourse of great with small states ought to be conducted. Indeed, he had but to look back to the year 1814-1815, when what was called the settlement of Europe took place, to see the numerous examples in which Great Britain had forgotten those doctrines which it now suited the purpose of the right hon. Baronet to maintain. That they might be observed, was his perpetual prayer—that they might ever be treated as objects of respect he most ardently desired, and so long as he had a seat in Parliament, he should ever be found, when any administration swerved from them, to be the first individual to denounce such misconduct. He should be the last man in the world to justify the

assumption of an authority which the laws of nations did not warrant. He had, on a former occasion, taken the liberty of showing that what had fallen from the right hon. Baronet was founded on a fallacy; but he must be allowed to say, that in what he had then expressed, he had only given utterance to his own feelings, ignorant of any circumstances but those with which he had become acquainted from the usual and ordinary sources of information; and for the arguments with which he was now prepared to defend his former opinions he alone was responsible. He should not repeat them if he were not convinced that they were well founded in law and justice. The right hon. Baronet doubted whether the Orders in Council were in conformity with the laws of nations—with the municipal laws of the land—and lastly, whether they were not in themselves impolitic. It was evident, from the commencement of the right hon. Baronet's speech, that he had come down in the full determination to answer the speech of the noble Lord, the Secretary for Foreign Affairs, addressed by that noble Lord to his constituents. The right hon. Baronet said, that these Orders in Council were not issued in contemplation of hostilities, and if that was so, that they were in violation of the laws of nations, and that they were not issued as reprisals for injuries sustained. If the question was put in that shape, he was afraid he must be of accord with the right hon. Baronet, for he must admit at once, that if they were issued without the probability of hostilities taking place against the state to which they related, he was not prepared to defend them; but, judging from the treaties on the Table, they seemed to him to have been issued in strict accordance with the law of nations. He should not now enter into the consideration of the circumstances that led to those treaties. He was not obliged to justify either the treaty of 1831 or 1832. He was perfectly aware of the principle on which those treaties were entered into; but he was not called on, for the purposes of the present argument, to go into any consideration of that principle. The right hon. Baronet had said, that he should give no opinion as to the transactions that had taken place between this country and Holland, yet no one could have listened to the concluding part of his speech without seeing that he treated those transac-

tions in a manner unfavourable to the Government, and so to prejudice the question under discussion. He (Dr. Lushington) would state the principle on which he meant to argue the question. He must assume that the treaties of 1831-1832, were justified by the laws of nations. In what situation, then, was this country placed? He should answer that question by a quotation from the Convention between France and England. The treaty of 1832 contains this passage:—"Being moreover convinced, that any further delay in the execution of the same would seriously endanger the general peace of Europe, their said Majesties, notwithstanding the regret which they experience at finding that their majesties the emperor of Austria, the king of Prussia, and the emperor of Russia, are not at present prepared to concur in the active measures which are requisite for the execution of the said treaty, have resolved to fulfil their own engagements, in this respect, without further delay." If that meant anything, it meant that the general tranquillity would be endangered by allowing the treaty to remain any longer unexecuted. That was a matter which was not to be lost sight of in discussing this question: because if the Government believed, and were prepared to prove, that the general peace of Europe would be endangered, then they came to the first general principle on which the laws of nations depended. If the Government believed this, it was not merely their right, but their duty, to take all measures, by negotiation, by embargo, by reprisals, or even by a declaration of war against that particular state, to secure the peace and tranquillity of other nations, as well as of Great Britain itself. That was his position. He maintained, from the beginning of the embargo, that it was issued in expectation of hostilities. The Convention went on to observe, that the contracting Powers might see the necessity of interfering, and stated the manner in which they should do so—first, by the entry of a French army into Belgium; and by a combined English and French fleet being stationed off the Scheldt. If that was not a measure directly leading to war, it had at least a warlike tendency. Such steps as these were generally the preliminaries to hostilities; and if they looked back during the last forty years, it would be found, that such

steps had been generally taken before we declared war, though, indeed, we had frequently made war without any declaration of war, for such had been the custom of the last forty years. In some cases a declaration of war had not been made till long after the embargo. The Swedish embargo, for instance, was laid on in the month of May, and the declaration of war was not made till the July following. No person could hesitate in coming to the conclusion that the treaty to be enforced by an army and fleet, was a treaty which in all human probability might lead to the commencement of hostilities. But, at the same time, it might not necessarily do so; for it was not impossible that a country like Holland, seeing such Powers as England and France were determined to enforce a particular measure, would yield, if not to the force of argument, yet to a sense of danger, and might thus concede the point in controversy. On that principle—on the principle that the whole proceeding was a preliminary to war, he defended these Orders in Council. The passage he had cited on a former occasion from Lord Stowell's judgment was strictly applicable to this case. And if any man knew Lord Stowell as well as he did—if any man had listened to the judgments of that noble Lord as long as he had—that person would come from the hearing of them convinced of this truth, that of all the Judges who had ever presided in Courts of Justice, there never was one who had taken such infinite pains, care, and reiterated labour, that no principle, no doctrine should emanate from him applicable in a manner different from that in which he believed the law ought to be applied. All these judgments, too, it should be recollected, were corrected by Lord Stowell's own hand, and there was no man who could possibly think, that that noble Lord did not see when he delivered them what would be the full effect of them. That noble Lord had given the judgment then quoted, not only with reference to the particular embargo at that time in question, but upon the general laws of nations; and after stating that it could be justified by those laws, he added, "for me to disobey would be a high misprision." How was it possible for the right hon. Baronet to deny, that the authority of Lord Stowell went further than he (Dr. Lushington) had gone?

The noble Lord, speaking of the property in the ships on which an embargo had been laid, said, "the property would be restored at the conclusion of the embargo. It was a process often resorted to in the practice of nations, for objects not immediately connected with the commencement of hostilities." Did the noble Lord mean by that a civil embargo? No, he knew that such an embargo would not be permitted in these days; he meant an embargo imposed in consequence of differences with a foreign state—differences that it was probable would lead to hostilities. It was not necessary that they should be immediately connected with the expectation of hostilities. All that was requisite for him (Dr. Lushington) was to show that an embargo might take place on the authority of the laws of nations. The right hon. Baronet had referred to Vattel. What he quoted from that author was to be found in his chapter of "Reprisals." The right hon. Baronet had denied that reprisals might be granted by one country on account of a quarrel between two others. That point need not be contested. It was not the question now under discussion. Suppose France were at war with the Porte, and we were to grant reprisals in aid of the Porte, that would resemble the case which the argument of the right hon. Baronet supposed. The observation, however, did not apply to the real case, for the foundation of the whole proceeding was, not what had taken place between Holland and Belgium as respected our particular interest, but because we felt that if the matters in dispute between them were not adjusted the peace of Europe would be endangered, and consequently the peace of Great Britain [Sir Robert Peel: Suppose Holland was in the right]. If so, of course, the right hon. Baronet might argue, that we were clearly in the wrong; but that was assuming the whole matter in dispute. If the whole of the premises thus assumed, were admitted, no doubt the right hon. Baronet could easily and properly arrive at his conclusion; but was he justified in assuming them? In his opinion, the right hon. Baronet was not. It did not appear from any papers yet laid upon the Table of the House that Holland was exclusively in the right. He assumed, and it was not for him to prove it, that the Government was justified by the particular circumstances of the case, in interposing between Holland

and Belgium, to settle their disputes. He assumed also, that in the progress of that interference, circumstances might arise which justified hostilities; and that, under such circumstances, it would be right in the Government to impose an embargo on the trade of either party. Whether the Government had acted right in interfering, and whether in its interference it had acted justly towards Holland were questions into which he would not then enter, because they could not be satisfactorily discussed, until all the papers connected with them were laid before the House. He would, however, then maintain, that where civil war had commenced in a state, and had separated two parties in that state, neither party being recognised, a foreign state, according to all the authorities, might interpose between them. The right hon. Baronet was aware that he might carry this argument a great deal further if he pleased; but it was more than sufficient for his argument if thus much were admitted. He did not need to press the case even to that extent, for he contended that this country having great interests at stake, which interests were put in jeopardy by the continuation of the war between Holland and Belgium, had a right to impose the embargo, for the protection of those interests. The right hon. Baronet, with an air of satisfaction and triumph, had made some observations on the embargo upon Prussian property; but he would beg the House to remark, what was stated by the Order in Council itself as the reason for the embargo, viz., that the king of Prussia had invaded the dominions of the king of Hanover. Notwithstanding this clear assertion of the grounds on which it was imposed, the right hon. Baronet had argued as if there had been a previous detention of British vessels in the ports of Prussia. He had carefully perused the document, since the reference was made to it by the right hon. Baronet, and he could take upon himself to say, that there was no passage in it to justify the position attempted to be founded upon it. He would insist further, that the embargo in question could only have been imposed by the authorities of this country under the supposition that the conduct of the government of Prussia was likely to lead to the commencement of hostilities; and such being the undoubted reason for it, he was surprised at the tone the right hon. Baronet had assumed, as

well as at the argument constructed upon such a foundation. In one point he entirely concurred with the right hon. Baronet, viz., that the power of imposing an embargo ought to be exercised with the greatest caution, and that it was of the utmost importance to the commerce and interests of this country. He agreed, also, that it was a measure which ought only to be resorted to in cases of extreme necessity. He did not agree, however, that an embargo could never be imposed by authority of the Crown of Great Britain, excepting in cases where hostilities were immediately to supervene; and recollecting the set of the whole tide of authorities, and the necessary acquaintance of the right hon. Baronet with them, he was surprised that he had supported so unwarranted a proposition. It was sufficient to authorise an embargo if it appeared probable that a state of hostilities might be the termination of the then existing state of affairs. If the rule were otherwise, let the House reflect what might be the situation of Great Britain in her negotiations and intercourse with foreign Powers. Self-protection was the principle by which these matters were regulated, and Great Britain did not impose embargoes for the purpose of interfering with the rights of other states, or for the sake of promoting any particular interests, and giving one set of merchants the advantage over another, but for the great and legitimate purpose of defending her own rights and interests. Sometimes—and in this instance such was possibly the case—an embargo was resorted to in the earnest hope, if not expectation, that a measure of such energy might prevent the alternative of a war, from the contemplation of the horrors of which all men and all governments naturally shrunk. In the case of 1766, to which the right hon. Baronet had referred, it was supposed that the Crown had violated the Statute of Charles 2nd, which enabled the King's subjects freely to export their corn, provided it had not reached a certain price. Whether a civil embargo could be imposed in case of famine, or of the prevalence of pestilential disease, if there were no statute expressly to authorise it, without the necessity of Government afterwards coming down to Parliament for an indemnity, was a great constitutional question which he (Dr. Lushington) did not pretend to discuss, much less to settle, and the set-

tlement of which was not at all necessary upon the present occasion. But turning aside from a civil embargo, if he had proved to the satisfaction of the House and the country, as he believed he had, that the embargo against Holland was not of a civil nature, but in anticipation of hostilities, then, according to the admission of the right hon. Baronet, he was entitled to say, that it was not an infringement of the rights and commerce of foreign states. He begged to repeat, before he sat down, that if he were wrong in his argument, the error was his own: if he were mistaken in his facts, he had received none of them from Government, and Government could not therefore be compromised by any remarks or opinions which he had delivered. Although sincerely attached to the present Ministers of the Crown, he had no connection with, and was entirely independent of them: and in the discussion of this important question, he had relied on the resources of his own mind, and had not made the slightest reference to them upon any point. One word more, and he had done. In the present state of the negotiation between this country and Holland, and in the present state of the affairs of Europe, was it wise, was it politic, or could it be advantageous to this country, that this debate should have been forced on by the right hon. Baronet? Was it likely to promote a favourable issue to the pending differences, or to secure the peace of Europe at this crisis, that the right hon. Baronet, of all men, should undertake the task of proving the Government to be wrong, and attribute to it a desire to do injustice to Holland? If the facts were as the right hon. Baronet assumed them to be, would he not best perform his duty as a good subject by refraining from the expression of sentiments, the manifest tendency of which was to induce Holland to protract her resistance? It was to be deplored, that a gentleman of the station, ability, and information of the right hon. Baronet should have indulged in observations so little in keeping with his character, and which differed more in the eloquence of their manner than in any other particular from what was only to have been expected from those high-minded, sagacious, and no doubt disinterested statesmen, who a short time since met at the London Tavern, avowedly to express their infallible

opinions on the so called "Dutch war," but in reality to lend their mighty aid towards overthrowing the present Government. Yes, these one-sided, prejudiced, and prejudging assertions, were very well at the London Tavern, but quite unworthy of the right hon. Baronet. It seemed to him, that at this moment, and in the present aspect of affairs, a good subject best performed his duty to his King and country, by concealing many of the sentiments which had been uttered, even if he entertained them. A proper time for the delivery of those sentiments would of course ere long arrive, and he deeply deplored that the right hon. Baronet had thrown the weight of his character into the scale—a circumstance not very likely to moderate the apparently determined resistance of Holland to all that was just and reasonable. He must again remark, that it was rather a hard measure of justice to the present Government that the question was not brought forward in a shape on which the sense of the House could be taken, so that the charge would be suspended until it could be brought forward in a form which might promise greater success to the political adversaries of the present Government.

Mr. Baring was of opinion that the learned Gentleman's objections to discussions like the present, pronouncing them highly inexpedient, and possibly mischievous, while the negotiations and policy to which they referred were still pending—would, if acted upon, almost put an end altogether to the check and influence which Parliament properly exercised over the Executive Government in the conducting of our foreign policy. Neither was the learned Gentleman's taunt against hon. Members on the opposition side of the House, of their wish to embarrass Ministers by such premature discussions, better founded, for in point of fact this was the first occasion of any interference with the foreign policy of Ministers on the part of an opposition Member; and surely if ever there was an occasion that imperiously called for the interference of Parliament, the conduct of Ministers with regard to Holland was a proper one. Here was an embargo imposed at the mere discretion of the advisers of the Crown which had been now in force three months, which was seriously detrimental to the best interests of the country, and yet concerning the necessity of which Parliament

knew nothing. Hon. Members erred greatly in supposing that only what were called Dutch interests were affected by the embargo. British interests were as much involved—so much so, indeed, that he should say, that the House neglected its duty to the constituency if hon. Members did not endeavour to obtain every information which Ministers had to bestow upon the subject, and indeed invite the attention of the Legislature at large to the foreign policy of the country, particularly as it applied to those two states with which more than any other British interests and British glory and associations were connected—he meant Portugal and Holland. It was the more necessary for them to obtain information with respect to those states, for appearances, at least, were far from flattering to the noble Foreign Secretary's negotiation respecting them. He knew it was impossible that negotiations so complicated and voluminous as those which had engaged that noble Lord since his last accession to office should be entirely free from defect and mismanagement, but after making the amplest allowance on this head, he could not explain why it was, that our relations with Portugal and Holland should just now bear so inauspicious an aspect. Owing to the noble Lord's sagacious negotiations a pipe of port was now 10*l.* 5*s.* dearer to the British merchant than formerly; while, in his capacity of mere mediator with our old Dutch ally, the noble Lord had contrived to bring us to extremities, though, apart from the consideration that England was the oldest ally of the king of the Netherlands, and that its interests had most to lose from any unsought, or harsh interference on the part of a friendly power, England or France had no more right or business to meddle with Holland than Russia, Austria, or Prussia. It was because the interests of British commerce were so intimately involved that he and those who thought with him complained so earnestly of the policy pursued by the noble Lord; and this consideration might have spared the sneers of the learned Gentleman against the meeting which the merchants of London had thought it their duty to hold at the London Tavern in reference to the noble Lord's foreign policy. The gentlemen who attended that meeting were, it was true, but British merchants, but, humble as they were, they might be spared a sneer, when it was recollected that by a measure to which the

learned Gentleman had given his zealous support they were deprived of a direct representation in Parliament. If they happened to be members of a Political Union, meeting some 100,000 strong for the purpose of dictating to the Legislature, they, perhaps, would meet with more favour from the learned Gentleman, in imitation of his official superiors. The learned Gentleman had admitted, that the right hon. Baronet (Sir R. Peel) was correct in laying it down that an embargo could only be justified by the apprehension of hostilities, or by reprisal. Now, reprisal on the part of Holland was entirely out of the question; and then how was the other alternative, that of hostilities, to be reconciled with the emphatic declaration of the noble foreign Secretary, in Hampshire, that there was no such thing, that only an ardent imagination could conceive hostile relations between this country and Holland.

Viscount Palmerston: I spoke as to the mere fact of hostilities, and not of their possibility.

Mr. Baring thought the speech of the noble Lord to the electors of Hampshire was to the effect he had quoted, but, of course, he was bound to accept the noble Lord's present version. Then the question came to this, was the embargo justifiable under the circumstances in which it was imposed? The noble Lord had himself stated that England had no direct interest in interfering, and that, in mediating between two states with both of which we were on friendly terms, British interests were not injured. But how was this reconcileable with the fact that our commerce with the Netherlands had been entirely suspended for nearly three months, by the mere exercise of the prerogative of the Crown? He repeated, that our whole commerce with an old ally, with which we had long maintained the closest intimacy, had now been suspended some three months, by the mere exercise of the royal prerogative, without any information justifying the Act having been laid before Parliament. If the Crown could thus, by the mere exercise of its prerogative, suspend the commerce of the country for three months, why not for three years? Where was to be the limit? What was or what was not a justification? He maintained, that the learned Gentleman had failed in showing, that by the law and usage of the constitution, the suspension to which the present discussion referred was justifiable, not to

say imperative. The learned Gentleman seemed to lay great stress on a dictum of Lord Stowell's respecting the circumstances which justified an embargo; but if that dictum were good for anything, it would be a justification of every possible case of embargo which any foolish government which might busy itself in interfering where it had no business might think necessary for the success of its own unnecessary purpose. He would not discuss the present question in reference to our existing relations with Holland,—he meant as possibly hostile from recent circumstances, but would consider it with the understanding, that we had and have no real cause of quarrel with that country, and that our differences arose solely from our friendly mediation. In that light, then, he would ask, was the policy of the noble Lord the most conducive to the honour and interests of the country? The noble Lord was bound to show that it was—the *onus probandi* lay with him. Was it prudent in the noble Lord to insult a brave and intelligent nation, long on terms of the closest intimacy with England? It was not now, as the noble Lord must well know, as formerly, when the question of our friendship or hostility with a foreign state depended almost altogether on the single will of its ruler—when it depended on its emperor or king, or other municipal authority, as to whether we should be at war or peace. But now things were somewhat different, and it behoved the noble Lord to pause ere he joined another state (which, comparatively with that the two were about to bully and dictate to was numerous and powerful) in insulting a people among whom the British name was hitherto invariably a passport to friendship and every kindly affection. How completely the noble Lord had destroyed this kindly disposition might be inferred from the fact that an Englishman could not now well walk the streets in any Dutch town without being insulted by the indignant people. Nay, to such an extent had this anti-British feeling spread among the possessions of the King of the Netherlands, that, as he was that morning informed, English merchants sending goods to the Dutch East-India colonies had to send them in American vessels, fearful of their being destroyed if sent in their own ships. So, then, in addition to the other beneficial results of the noble Lord's negotiations, it tended to aggrandize our great

maritime rival at the expense of the British shipping interest. The noble Lord, while he was protocolling in Downing Street, wholly forgot British shipping and British interests; and when the British merchants, therefore, found their property injured or destroyed, was it to be wondered at that they should feel somewhat indignant, and meet at taverns, though that was so much condemned by the learned Civilian, in order to take measures for bringing their grievance before the Parliament. He thought that they acted right, though he was not one of the party.

The *Attorney General* had come down to the House prepared to prove, that the embargo of which hon. Members opposite complained was perfectly justifiable by the law of the land and the practice of the constitution; but was in a great degree spared the task by the observations of his learned friend, as well, indeed, as by the course pursued by the right hon. Baronet who had opened the present discussion. The question, after all, lay in a short compass—was or was not the embargo legal and justifiable? If the right hon. Baronet were correct in his premises, there could be no doubt that it was unconstitutional and unjustifiable; but he denied the validity of the right hon. Baronet's premises. In doing so he would carefully avoid founding his objections on mere technical points of difference of interpretation of statute law and of the provisions of *Magna Charta*, referred to so dexterously by the right hon. Baronet. He would confine himself to the abstract principle of the justice of the embargo, confident that at the proper time Parliament would be put in possession of such facts as would show that it was actually unavoidable, with a view to preserving the peace of Europe. The abstract principle then was involved in the question, was it a constitutional exercise of the royal prerogative to enforce an embargo of this nature? No hon. Member could deny that it was a part of the exercise of the prerogative of the Crown to declare war or peace. Then he would contend, that the circumstances which justified this exercise of the prerogative applied, *à fortiori*, to acts of mitigated hostility. War was at best an evil: the Crown declared war because by doing so it hoped to prevent a greater evil, and preserve public order. That was the only justifiable object it could have in the exercise of such a prerogative. If, therefore, by a minor act of severity it

could avoid a great evil to the national honour and interests, and prevent the calamities of war, it was bound to adopt that policy of mitigated hostility; for surely they would not contend that the Crown might declare war, unqualified and fierce war, when doing so would be a choice of a lesser evil, and yet had no power to commit some less harsh act, which also would avert serious national calamities. Then so far from these acts of mitigated severity being, as the right hon. Baronet had asserted, the relic and type of a barbarous age, its very mildness proved it could only obtain in a highly civilized era. The right hon. Baronet had quoted the case of the Act of Indemnity of 1766, for laying an embargo on the export of corn from the port of London, as a proof that Lord Chatham and the then Parliament conceived that it did not belong to the Crown to impose such an embargo in the mere exercise of its own prerogative. But how did that case apply to the present? At that time corn was so scarce and high-priced here, that the Mayor of London and others urged the expediency of stopping some that was just about to leave the port of London for a foreign market, so that the whole case was one of our domestic relations, involving no consideration whatever of hostility direct, indirect, positive, or contingent with a foreign state, and turning wholly upon the violation or non-violation of specific Acts of Parliament, which regulated the price at which corn might be exported. It was plain, that there did not exist the remotest analogy between the two cases. For what were the facts of the present embargo? Briefly these:—A short time previous to the accession of the present Administration a *de facto* separation took place between Holland and Belgium, which England, concurrently with the other powers of Europe, admitted to be valid. In 1831, a treaty was concluded between the Five Great Powers, in which the terms of that separation were specified. That treaty was laid before the last Parliament, and as it had taken no exception to it, but, on the contrary, had given it what, in some circumstances, was the strongest proof of approbation—a tacit acquiescence—he was bound to assume that it had met with its approbation. The effect of that treaty was the preservation of the peace of Europe, by specifying the conditions of place, territory, &c., on which the *de facto*, but, as

it might be perhaps only temporary, separation of Holland and Belgium should be permanent. This treaty was ratified by England, France, Russia, Austria, and Prussia. Founded on it, and entirely auxiliary to it, another treaty was concluded—that of the 20th of October last, to which, it was true, only France and England were immediate parties, but in which, as it merely went to carry into effect the provisions of the treaty of 1831, the other three powers were not in the least opposed. In point of fact, neither Austria, Russia, nor Prussia, was hostile to the second treaty; but, not being disposed to take an active part in the settlement of the question, they chose to retire, making no protest (it must be observed) against the express determination of France and England to enforce the fulfilment of the terms of the treaty of 1831. The first stipulation of the second treaty between the two Powers was a notice to the two separating Powers—namely, Holland and Belgium, to withdraw their troops within their own territories, according to the treaty of 1831, by a certain specified day, explicitly telling them, that on their refusal to do so by that particular day, France would march a force by land, and England would furnish a conjoint naval armament, for the purpose of carrying the terms of both treaties into effect. If, then, as was manifest upon the face of the whole transaction, the object of the treaties to which the Five Great Powers were parties, was to render the division between Holland and Belgium perpetual, and perpetual because it was essential to the peace and interests of Europe that it should be so, he would ask any hon. Gentleman present, whether it was or was not justifiable that either, or all of the great powers should, by war, or a demonstration of war, if necessary, give full and final effect to these treaties? As to the proceeding which this country adopted when France, in consequence of the obstinacy of the king of Holland, marched a force for the purpose of reducing Antwerp, nothing could be less justified by the facts, or less in consonance with the law of nations, than the views taken of that subject by the right hon. Gentleman on the other side. It could not be contended, with any show of reason, that France did otherwise than the occasion required, in marching against Antwerp, not for the purpose of occupying it for its own advantage, but for the purpose of producing that evacuation

which the treaties between the several contracting nations required. If those treaties were justifiable, as he believed no one would contend they were not, he wished to learn upon what grounds it could be maintained, that the Crown had unduly exercised its prerogative by the course of mitigated hostility which it had pursued? It would be found that the Order in Council for the embargo was not issued until after the period prescribed in the treaty of November last had expired. The whole case, then, resolved itself into this question—whether, under all the circumstances, the king of Holland having refused to evacuate the Belgian territory—Dutch troops being still in possession of the citadel of Antwerp, and the period stipulated in the last treaty between France and England having elapsed—there was no probability that war might not ensue? Would any hon. Gentleman who looked fairly and dispassionately at all the circumstances of the case, say that embargo, which had been in force since November last, was laid on without a probability or a fair expectancy of war? If there were a probability, or a fair expectancy of war, then the conduct of Ministers was perfectly justifiable. It was vain and idle to compare the embargo to one dictated by considerations of a merely domestic nature; or not connected with a reasonable expectation of war. After the arguments which had been advanced by the hon. and learned member for the Tower Hamlets, unless the House was prepared to say that the general position laid down by Lord Stowell was a position not well founded in the law of nations—the consequence must be, that the circumstances of the present case must be considered as not only coming within his doctrine, but as being more than sufficient (according to the views of that learned individual) to justify an embargo. England, he conceived, was doubly bound to act as she had done; she was bound by the treaty of 1831, and that of October, 1832, and could not shrink from her share in the execution of both without dishonour. This statement involved the principle to which he had said he would then confine himself. At the proper time he should be prepared to show, that the facts of the case fully justified the embargo, whether considered in reference to statute law or the law of nations.

Mr. Pollock confessed, that he was by
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no means satisfied with the arguments and observations which he had heard from his hon. and learned friend opposite; but he should, for the present, suppress his observations on his hon. and learned friend's speech, and content himself with referring the House to a few facts and authorities. On all former occasions, when embargoes had been laid upon the property of foreign Powers, ample reasons had been afforded for so doing; but, in the present instance, no one single reason had been assigned. His Majesty's Ministers had not deigned to explain any of the grounds—if grounds they had—for this extraordinary and long-continued embargo upon the property of a nation with which we professed to be at peace. If the noble Lord, the Foreign Secretary, had said, that the measure was necessary, and that he would undertake to justify it as soon as circumstances would permit him to lay the whole of the facts before the House, he should be satisfied, and would abstain from saying anything upon the subject at the present period. But as the noble Lord had not availed himself of the opportunity which the right hon. Baronet had afforded him of making such a statement, those who in the absence of all explanation upon the subject, entertained some doubt as to the justice of the embargo, would no longer be justified in remaining silent. He would call the attention of the House to the Order in Council for the embargo in 1766, in order to show, that in cases of embargo, the House of Commons ought to be consulted at the earliest possible period, for the purpose of obtaining its assent to a proceeding in which it must inevitably happen that so many interests would always be concerned. The Order in Council of 1766, was dated in September of that year, and was to expire on the 14th of November. Parliament had separated on the 6th of June, but was called together on the 11th of November, for the express purpose of considering the order for the embargo; which, as he had stated, was to expire on the 14th of November. So deeply were the Ministers of the day impressed with the responsibility of the step which they had taken in imposing an embargo, even under circumstances of extraordinary necessity, that they felt it incumbent upon them to take the sense of Parliament upon it; and accordingly, the two Houses were re-assembled on the 11th of November. The

result of this step was, an immediate Address from this House, as well as from the House of Lords, thanking his Majesty for the proclamation which he had put forth; and the embargo, instead of being suffered to expire on the 14th of November, was extended and continued. Why, in the present instance, was not the House asked to give its concurrence in a similar manner? Why had all this mysterious silence been observed? or why, having been observed, had not the noble Lord stated that it was necessary; and that satisfactory reasons for the embargo should be afforded as soon as, consistently with his duty, he might feel himself at liberty to lay them before the House? In 1801, also, there was an embargo laid upon the vessels of Russia, Sweden, and Denmark, hostile measures having previously been taken by Russia; and, as it was stated in the preamble of the Order in Council, "against the just rights of his Majesty the King, and his dominions, by the Courts of Denmark and Sweden." In that instance, as in the former, Parliament was consulted, and a course pursued, the direct reverse of that which it was thought expedient to pursue in reference to the affairs of Holland and Belgium. He was perfectly aware that there might be reasons of State which would render it extremely inexpedient to lay before the public the grounds upon which the negotiations now under consideration had been conducted; but if so, he would take the liberty of observing, that there ought not to be a moment lost in making the necessary communications on the subject to Parliament. The case which occurred in the year 1794, when the 34th George 3rd, cap. 34, was passed, to indemnify those who had passed an Order in Council to prevent the exportation of pearl-ash, it being suspected that salt-petre to be used in the manufacture of gunpowder was sent abroad under that name, recognized principles opposed in the strongest manner to the course which his Majesty's Government had thought it proper to adopt in the course of these negotiations. The hon. and learned member for the Tower Hamlets had referred to the opinions expressed by Lord Stowell on the subject of embargoes, for the purpose of showing that the embargo under the consideration of the House had been laid on consistently with the recognized principles of international law. But if his Majesty's Govern-

ment would read these passages, they would find, he was quite sure, that Sir William Scott never contemplated that an embargo could be legally laid on without some act of direct hostility on the part of the nation against which it was directed. His hon. and learned friend the Attorney General had made a statement, which in his opinion, clearly disproved the conclusion to which he came. If he recollected rightly, the facts were these, that when the present Ministers came into office, they found the two countries of Holland and Belgium separated *de facto*—he would say nothing about the declaration of a certain noble Lord, on another and more recent occasion, that they were not really separated—he would for the purpose of the argument, assume that they were *de facto* separated. The five Powers then interfered to form a treaty, which required that Antwerp should be given up to Belgium. He begged to ask his hon. and learned friend, however, whether there was any claim in that treaty that Holland should evacuate Antwerp until she had exchanged ratifications; Holland had not exchanged ratifications; and, consequently Holland was not bound to evacuate Antwerp. What then took place? Why, two out of the five Powers entered into a separate treaty to say how the treaty entered into by the five Powers ought to be construed, and how it ought to be acted upon. What were the other three Powers doing? Upon what just principles—according to what law of nations—was it that they carried their interference to such an extent as for the one to fit out a fleet, the other an army, to attack the garrison of Antwerp, and forcibly take possession of the ships of Holland, against whom no war had been declared, and from whom no act of hostility was to be apprehended? So far from there being anything like a justification of it, it was a case which called forth very great suspicion. He would ask, did his learned friend mean to say, that Great Britain had acted on just principles, and in conformity with the law of nations, towards an ancient and faithful ally? He would take up the language of the learned member for the Tower Hamlets, who exclaimed, was it wise, politic, or advantageous, to stir this question, and inquire how was it that he did not ask if this measure was just and right according to the principles of the law of nations? It

might be wise in the estimation of some—it might be considered politic by those who had a selfish policy to pursue—and it might be thought advantageous according to the notions of others, but he differed entirely from such opinions, and he trusted that he and other hon. Members would never cease to exclaim against the impolicy and injustice of forsaking an old ally. He was surprised that his hon. and learned friend, the member for the Tower Hamlets, should support this measure on the ground of temporary policy; but he trusted this House would not cease to exclaim against a measure so unjust, and he would say, so impolitic, as that of inflicting such grievous injury on one of our best and most ancient allies. He could not but consider it a piece of injustice to endeavour to force our mediation on those two Powers, when one of them neither wished for our interference, nor ever consented to become a party to it. He hoped the noble Lord, the Secretary for Foreign Affairs, would at least afford the House some reason for this embargo. If he did, he should submit; but if he did not, he could not but consider the measure as one unjust in itself, injurious to our ancient allies, and prejudicial even to this country.

The *Solicitor General*: I cannot but very much lament the tone of declamation with which my hon. and learned friend has concluded his Speech. It is from such appeals that the Dutch king has been induced to resist the equitable arrangement recommended to him by the Five Powers to whom his differences with Belgium were submitted. The motives of the hon. Gentlemen opposite are, no doubt, pure and patriotic, and they have no intention of embarrassing the foreign policy of his Majesty's Ministers; but I must be allowed to express my perfect conviction, that if it had not been for the encouragement held out to Holland in the British Parliament to resist the British Government, the Belgic question would long ago have been settled; no danger of war would have arisen, and the embargo complained of never would have been imposed. Although I was not in office when this measure was resorted to, I should be quite willing to share the responsibility of advising it; for, after deeply considering the subject, I can entertain no doubt of its legality. My hon. and learned friend, despairing of succeeding on the merits, has resorted to

a point of form, and put in what in Westminster Hall we call a *special demurrer*,—assigning for cause, that the Order in Council is bad for being without a preamble. But he has cited no authority upon the subject, and the precedents seem rather to be against him. The Order in Council for the Danish embargo, and others in the collection which I hold in my hand, merely authorize the act to be done, the Government reserving to itself to allege the reasons for the embargo whenever its justice or expediency may be questioned. My hon. and learned friend, the member for Huntingdon, has complained that my hon. and learned friend, the Attorney General, did not vindicate the policy of this embargo; but he forgot that the right hon. Baronet who began the discussion, expressed a strong desire that the policy of the measure should be reserved for future consideration, and wished to have the question argued as if he were in a Court of Law. The hon. member for Essex, with the spirit of a Hampden, regretted that he could not have the question brought to a public trial, and only substituted his speech because unfortunately he has no ship detained under the embargo. I will therefore likewise confine myself to the legality of the measure, leaving its policy to be justified, as I believe it will speedily be, by its pressure compelling the Dutch king to listen to the dictates of moderation and reason. The question, then, is, whether our King has not the power, during negotiations with a foreign state which may terminate in war, to impose an embargo upon the commerce between this country and that foreign state. I maintain that this is clearly within the prerogative of the Crown. The King may declare war, and he may limit the interruption of intercourse to any point short of war. When the relations of amity are disturbed between states, there are three marked stages by which their situation is distinguished—first, the imposition of an embargo;—secondly, the granting of reprisals;—and lastly, the declaration of flagrant war. The right hon. Baronet, both in his reasonings and quotations, has confounded two things which are quite distinct—reprisals, and an embargo. Reprisals are for a wrong actually suffered, and the property taken is immediately applied by the captor in satisfaction of the wrong. The earliest instance of reprisals is said to be found in the eleventh book of the *Iliad*

where Nestor relates a seizure he made of certain cattle from the Epeians by reason of a refusal to pay debts due from that people—when he appropriated 300 head to himself, and distributed the rest among the other Pylians who had been injured. Grotius, and the other jurists who treat upon this subject, say that the goods taken by way of reprisals are to be immediately sold for the benefit of the captors, who are only to make restitution if there be any surplus. But an embargo is a proceeding *quia timet*, and of a totally different nature. An embargo is not for a wrong suffered; and the goods do not become the property of the detaining party. By this and every Order in Council for an embargo, express directions are given, that the ships and cargoes shall be kept with the greatest care to abide the event. If the negotiation ends in peace, they are restored; if in war, they are condemned as prize. The right hon. Baronet quoted a passage from Vattel in which it is justly laid down by that distinguished writer, that reprisals cannot be granted by one nation against another for an injury done to strangers. The example referred to is, that of England having in 1662 granted reprisals against the United Provinces in favour of the knights of Malta. The states of Holland asserted with good reason that, according to the law of nations, reprisals can only be granted to maintain the rights of the state, and not for an affair in which the nation has no concern. What was the language of the Pensionary De Witt upon that occasion? “It is evident that no sovereign can grant or make reprisals except for the defence or indemnification of his own subjects whom he is, in the sight of God, bound to protect.” The Act of Charles 2nd was clearly contrary to the law of nations; for neither he nor his people had or pretended to have any interest in the dispute between the knights of Malta and the government of the Netherlands. But what authority, English or foreign, has the right hon. Baronet brought forward to show that where there is a dispute between England and a foreign country, in which English objects are concerned, an embargo may not be imposed? How detrimental to the public if such a prerogative did not exist! When you have in your possession ships of great value belonging to a state with whom you may almost immediately be at war, would it be right that they should be sent to add to

the resources to be employed against you? And, under such circumstances, ought there not to be a power to prevent English ships from sailing to ports where they are almost sure to be captured? Indeed the right hon. Baronet did not absolutely deny the power of imposing embargoes. What use then was there in citing *Magna Charta*, and the statutes, and the pamphlets, and the reviews, of which such a parade was made, to show *que la mer soit ouverte*, and that the Crown cannot dispense with an Act of Parliament. In all the passages quoted by the right hon. Baronet, the belligerent powers of the Crown are impliedly excepted. These existed for the public good from the origin of the monarchy, and have never been limited, nor till now called in question. Lord Chatham's embargo of 1766, I allow was illegal, and I allow what has been stated by my hon. and learned friend, the member for Huntingdon, that a prohibition of the exportation of pearl ashes or any other commodity, the exportation of which is permitted by law merely, would be illegal. The distinction is to be made between municipal and international embargoes. Lord Chatham might be justified on the score of state necessity for what he did; but he required an indemnity. Where an embargo is imposed with a view to pending negotiations with a foreign state, the Ministers of the Crown may be answerable in Parliament for the advice they have given; but the legality of the act cannot be controverted in a Court of Justice. The prerogative to declare war necessarily involves the power to constitute an intermediate state between peace and open hostilities; and if your object may be gained by that intermediate state, open hostilities cannot properly be resorted to. All jurists agree in this position, that then only can you justifiably proclaim war, when you have in vain tried every other expedient to obtain redress. It is admitted that an embargo may be lawful where there is a great probability of war, and where it is short. Can its legality depend upon the greater or less degree of probability of war; and after what duration is it to be determined by a Judge to be illegal? Lord Stowell says: "It would be a high misprision for the Court of Admiralty to re-deliver to the foreign owner property which the Crown had directed to be seized and detained for further orders. Its functions are suspended, and if any injustice is done, that is an account to be

settled between the states." In the case of *Touteng v. Hubbard*, which occurred in the time of Lord Alvanley, the Court of Common Pleas unanimously gave effect to the Swedish embargo after it had lasted above six months. If the Dutch embargo has become illegal because it has lasted three months, what shall we say of the Tuscan embargo which was enforced without dispute between two and three years? In every case, the limit to the embargo must be the issue of the negotiation; and then only is its character determined. *Finis operis nomen imponit*. War makes it by relation a hostile seizure; peace only a friendly pledge. Till then it is an equivocal act, subject to two interpretations;—the property seized can neither be restored nor condemned; and no lawyer will deny that the King's Proclamation will justify the seizure and detention. If a Court could inquire, whether when this embargo was imposed, there was a likelihood of the negotiation with the king of Holland terminating in war, would impartial men hesitate in coming to that conclusion? I need look no further than the Convention between France and England in November, 1832, whereby it was stipulated, that if the Citadel of Antwerp should not be delivered up by a certain day, the Dutch garrison was to be attacked by a French army, and the ports of Holland were to be blockaded by a United French and English fleet. The Gentlemen opposite are exceedingly fond of asserting, that we are at war with Holland, and are rather disposed to ridicule the position that peace continues. With what face, then, can they contend that there was no possibility of an event which they say has actually happened? I say we are not at war with Holland, notwithstanding the Conservative speeches which have such a warlike tendency; but I say there was a reasonable danger of war when the embargo was imposed, and that the Government was fully justified in trying the pressure of that measure, instead of at once plunging into open hostilities.

Sir *James Scarlett* did not fear contradiction, when he said, that his right hon. friend, the member for Tamworth, had argued this question with a degree of perspicuity and force, which would have done honour to any Member whatever of the legal profession, at the same time, that his speech was, in all other respects, worthy of his own high parliamentary reputation.

He must say, that he did not think his right hon. friend had been fairly met by hon. Gentlemen opposite. His right hon. friend assumed, as the basis of his argument, that we were not at war, and did not contemplate war; in that assumption he might be wrong, but he had founded it on two grounds. With regard to the first, he would only say, that he did not think the speech of the noble Lord opposite, on the hustings, was a good criterion by which to judge of his deliberate opinions. The second ground was that passage in his Majesty's Speech, in which it was said that negotiations are pending, and that he hopes peace will not be interrupted. The right hon. member for Tamworth had contended that an embargo was not lawful, except in certain cases, two or three of which he would by and by refer to. The hon. and learned member for the Tower Hamlets denied the fact. If that were so, there was an end of the discussion. If Ministers took this step in expectation of war, they no doubt exercised the natural and proper prerogative of the Crown. The question, however, was, whether the Government had a right, for the purpose of forcing a Power in amity with them—their own ally—to do a certain act? It desired to lay an embargo upon the vessels belonging to that Power, without any intention of going to war with her. Had the Government then a right by a little gentle violence, to interfere and compel its own ally to enter into an engagement with another Power, which was disagreeable to that ally? It might, by possibility, result from the course pursued; but one could not help thinking that if France and England were determined not to go to war—if France would fit out no armament, and England no fleet—the peace of Europe could not be endangered. He certainly should have thought that nothing more was necessary for the preservation of the peace of Europe, than for France and England to say, "We are fully determined not to go to war." The right hon. Baronet quoted from Vattel a position which he had not heard controverted—namely, that a nation has no right, when two Powers, both in amity with it are at war with each other, to interfere with hostile measures on behalf of the one against the other. The nation could only interfere in the spirit of alliance. Holland and Belgium were at variance with each other. No one could

deny, that if England chose to take a decided part with one against the other, and so to depart from her alliance with that other, she had a legal right to do so; but if she did not intend to make war, but only to act the part of a friend, "then," said the right hon. Baronet, "I think you are not entitled to have recourse to hostile measures." The hon. and learned member for the Tower Hamlets admitted the authority of Vattel upon this point; but he said, he would quote another authority against that argument. He admitted, that Great Britain was the ally of Holland and Belgium; and that we had no right to step in and compel the one to do what the other might have required. If this were so, what better right to interfere could England have from the circumstance of France agreeing with her. His hon. and learned friend said: "You made a treaty in October, 1832, by which France and England agreed that England should impose this embargo." That was a most extraordinary argument. One might as well say, that if one man wanted to knock down another on the King's highway, with the assistance of another man, it would be unlawful; but, if a third should step up, and offer to attack him, that then it would become a lawful act immediately. It appeared to him, that the agreement between France and England was worth nothing. If France, on this emergency, interfered for the purpose of strengthening her ministers, or protecting her government she had no right to interfere; and England had no greater right than France. It was not a proper foundation for the treaty, that two of the greatest Powers in Europe leagued together against a weak one, though independent in spirit, for the purpose of compelling her, without a quarrel, to act as they thought proper. He had always understood that the prerogative of the Crown would justify laying on an embargo, in all cases where hostilities were contemplated, and in some other cases, where the King, imposing the embargo, was actually at war with another nation. If one nation at war with another, have ships lying in the ports of that other, it had a right, no doubt, to lay an embargo on them. Supposing a nation to be engaged in war, and having reason to apprehend that the ships of a third power would proceed to the assistance of the enemy, it might, without doubt, lay an embargo on them. In

the present case, however, no hostilities were contemplated. The hon. and learned Attorney General said, that an embargo was for the purpose of enforcing a right. What right then had Great Britain been denied by Holland, or what injury or insult had she sustained from that country? If there were any probability that Holland had some secret design against England—if there were reason to fear that she would come upon us unawares, or that the Dutch ships would suddenly make their appearance in the Thames (as they did in the time of Charles 2nd), then England would certainly have a right to lay an embargo upon her property. He assumed, however, that the Ministers entertained no such fears. Had Holland shown any hostile feeling? These were points which had not been cleared up; and until they were, he must remain of opinion that that embargo could not have been laid in expectation of war; unless, indeed, a general war in Europe was to be lighted up by that very act. The question had been argued, on the other side, as if it were a mere question of embargo. It was not, however, confined to that; for Dutch ships were taken at sea and brought into port. Did that come within the law of embargo? He should imagine not the word embargo meant preventing foreign vessels leaving our ports. If this proceeding were not war, it was so like it that he could not find out the distinction. It appeared to him a direct act of hostility. In modern times, war had been frequently made without any previous declaration, though in earlier times, a declaration of war always preceded the commencement of hostilities. If seizing the vessels of a foreign power, and bringing them into British ports, be not war, what was it? Piracy and robbery; and if it had been done by Tripoli or Algiers, it would have been at once called so. The Government had no right to bring those ships here, without previously declaring war; and, he repeated, that if what it had done be not an act of war, it was an act of piracy. The Algerines seized upon undefended merchant vessels, and carried them to their ports. He would not enter into the question of the policy of the measure; for he concurred with his right hon. friend in wishing to avoid it, though, certainly, his hon. and learned friend, the member for the Tower Hamlets, embarked upon that part of the question, notwithstanding it had been so

studiously avoided by his right hon. friend. As to the question of evil embargoes, his hon. and learned friend had himself completely disposed of it; for he said, in common with all lawyers, that they could not be sustained. What answer had been made to the provisions cited from Magna Charta? Lord Coke said, that the prerogative of the Crown could not be touched, except by Parliament—that Magna Charta was the foundation of all our liberties; and he expressly declared that the King could have no prerogative which was opposed to it. It was sometimes said in Westminster Hall, that one Judge had more weight than the other three, although they had all given judgment; and he had frequently found, in other places, that, on questions of law, the minority had entertained the most correct opinions.

Viscount Palmerston had not presented himself to the notice of the House at an earlier period of this debate, because he had been desirous to hear, before he addressed it, the arguments to be adduced, on the other side, in support of the proposition endeavoured to be established by the right hon. Baronet, the member for Tamworth. It had been a source of satisfaction to him to listen to the able and convincing legal statements of his hon. and learned friends who had preceded him—a circumstance which would render it almost superfluous for him to endeavour to add anything to the legal proof of the case, which they had so convincingly established—namely, “that the embargo was not only consistent with the municipal law of this country, but, also, with the general law of nations.” He must say, that he never heard an argument more completely over-set than that by which it had been attempted to be established that this embargo was either inconsistent with the law of the land, or was, as the hon. and learned Gentleman who had just sat down had endeavoured to represent it, an act of robbery and piracy with reference to the law of nations. With respect to municipal law, everything which had been adduced on the other side, had fallen to the ground. The right hon. Baronet contended that there was an analogy between this embargo and that of 1766; and he inferred that the opinions given against the legality of that embargo clearly proved that the embargo lately imposed upon the shipping of Holland was equally illegal and invalid. The right hon. Baronet

dissented from this view; but if it were not for the sake of establishing this application, why all those quotations? or why refer to the precedent of 1766 at all? The difference was simply this. That measure applied only to the laws of this country, and had not in contemplation anything connected with our foreign relations; the present could stand for justification only on the question of war. That rested on the question—whether the King had, or had not the power, in his own dominions, to suspend for a limited time, and for certain purposes, the laws of the realm. The right hon. Baronet contended that the Government had no right to lay an embargo on foreign vessels, except for injuries done to our own subjects, or in contemplation of acts of hostility. He said, that it was not justifiable to lay an embargo in favour of third parties. No such embargo had been laid. This embargo was laid, strictly in furtherance of our own views, and in maintenance of our own engagements. Would any hon. Member tell him, that the faithful performance of an engagement entered into by the King of England, by a treaty signed and ratified by him, was not a duty connected with British interests, which he was morally and legally bound to fulfil by every means in his power? The fulfilment of an engagement by the Crown was a measure for which the Ministers were responsible; and if the King was at liberty to have recourse to powers to fulfil an engagement, which, without them, he was prevented from completing, he had a right to resort to the intermediate course of an embargo; and, therefore, it was quite in compliance with the law of nations that this embargo was imposed. It was imposed in furtherance of the execution of the engagements contracted by this country. The hon. and learned Gentleman said: “What engagement? It was true that France and England signed a Convention by which they agreed to lay on this embargo.” That was not the ground on which he relied. That Convention was signed for the purpose of settling the manner in which England and France should execute certain antecedent engagements: those antecedent engagements were contained in the Treaty of the 15th of November, 1831, which had been laid before Parliament nearly twelve months, and which treaty bore upon its face the engagements government was seeking to fulfil. That treaty was not the subject of

any parliamentary motion during the whole of last Session. The hon. Baronet, the member for Bristol, certainly gave notices, which referred, in a manner, to the subject; he deferred his motion, however, from day to day, though without in the smallest degree meriting censure, and never brought the subject before the House. No Member had yet stood up in his place to say, that the Crown, when it concluded that treaty, had entered into improper engagements. He did not wish the House to take it upon his bare assertion, that the Government had sufficient grounds for the course which it had pursued, whether as it respected national or municipal law, or as it regarded expediency. He was prepared to prove, that it was equally consistent with the one and the other; and he was convinced, that when hon. Members had once read the papers which were now lying on the Table of the House, and the other papers with which they would be speedily followed, they would concur with him, that the course which had been pursued by his Majesty's Ministers was not only legal, but prudent. The course pursued by the hon. Baronet, in his argument upon the embargo, was by no means fair. It was proper to take the whole subject into consideration, and not to discuss insulated particulars. The object of the hon. Baronet appeared to have been to confound two things which ought to be considered perfectly distinct, the imposing of an embargo on the vessels of a Power with whom we were at peace, and the issuing of letters of marque and reprisals against the vessels of a nation with whom war was about to be declared. The noble Lord here quoted a passage from Vattel, to show, that in order to obtain justice, it was lawful to detain the vessels of the enemy in our ports; but that till these vessels were condemned and confiscated, the reprisals could not be considered complete. In this case the reprisals were not complete, for no confiscation or condemnation had taken place subsequent to the embargo. Those hon. Members, therefore, who argued that this was an act of robbery, of piracy—a commencement of hostilities—proceeded in direct opposition to the opinion of Vattel. He would say, as he had said before, that they were not at war with Holland; he would abide by the declaration which he had made elsewhere, that Great Britain was not at war with Hol-

land, nor with any other country on the face of the earth. The existence of the embargo, in fact, was incompatible with a state of war. The law of nations enabled a belligerent Power to take and confiscate the vessels and property of the enemy, wherever they might find them. Now, in this case, no such confiscation had taken place; and therefore, he contended, that the very existence of the embargo—the imposing of which Members spoke of as the first act of hostilities—was, in fact, the clearest proof of the non-existence of war. Another proof, if further proof was needed, of this country being at peace with Holland was, that we had at the present moment a diplomatic representative at the Hague, and the Dutch government had a diplomatic representative in London. This was a state of things very unusual when hostilities were raging between two nations. It had been said, that the Government ought not to lay on an embargo unless hostilities were contemplated; and it had been admitted that if it could be shown that hostilities were likely to arise out of the transactions which led to the imposition of the embargo, the whole of the arguments which had been used against the Government on this head would fall to the ground. He was ready to state, that England was not at war with Holland, and he trusted that the peace at present existing between the two nations would not be interrupted. But when the embargo was imposed it was not beyond the reach of probability that hostilities might occur. [Sir Robert Peel: Yes; in consequence of the embargo.] It was not in consequence of the embargo. He did not mean a war of retaliation on the part of Holland, but he intended to say, that those differences which led to the imposition of the embargo might have rendered a recourse to hostilities necessary. He admitted and stated that we were not—that we had not been—at war with Holland; but he never either stated, or admitted, that war, when the embargo was laid on, was out of the range of possibility. An hon. and learned Member, on the opposite side, had been so obliging as to read a judgment of Sir William Scott, which, in fact, proved the position for which he was contending more effectually than anything which could be urged. That decision proved, that an embargo might, consistently with the law of nations, be imposed even when hostilities were not at all in contemplation. How

the hon. Member who read that judgment could imagine that it supported his own argument, he (Viscount Palmerston) was at a loss to understand. It might be asserted, however, that though we had a right, in such a case, to detain vessels in our ports, we had no right to seize them on the high seas. But this assertion was not borne out by the authorities on international law; and it was not consistent with the practice of this country in such cases. In the embargo on Turkish ships in 1807; in that upon Danish vessels, in the same year; in the embargo upon Russian vessels, in 1807; and in that upon American vessels, in 1812—in every one of these cases not only were vessels in port detained, but orders were given to seize and to bring into port all such vessels belonging to these respective nations which should be met with on the high seas by our cruisers. In those cases there was no war; indeed an embargo was in itself a proof of the existence of peace. When a nation declared war, it did not lay an embargo on the ships of its enemy, but it issued letters of marque and reprisal.

Mr. Pollock: Hostilities had taken place in the case of the United States.

Viscount Palmerston: I beg pardon. Hostilities had not taken place at the time of the embargo. It is true that hostilities followed. The United States had declared war; but this country had not declared war at the time of the embargo.

Sir Robert Peel: The embargo placed on American ships was imposed after a declaration of war on her part.

Viscount Palmerston admitted, that the right hon. Baronet was correct, but to constitute a state of war, the consent of two parties was necessary. Though America declared war previous to the embargo, England did not declare war for many months after; and in the mean time the English Government endeavoured to negotiate with the American States. This was an evidence, which the hon. Gentlemen opposite would perhaps admit, that there was nothing incompatible in the co-existence of negotiations and an embargo. If war had been declared, what possible use could there have been for an embargo, when we had it in our power to seize and confiscate immediately the vessels and property of the enemy wherever we might find them. Letters of marque and reprisals would, in that case, have been the proper course to be

pursued. But it would have been perfectly ridiculous to impose an embargo upon vessels, when we had the power of capturing them wherever we might find them. The United States had, indeed, declared war against us previously to the embargo; but we did not declare war against them till several months after. We chose rather to have recourse to the more lenient expedient in the first place, in order to give the government of that country an opportunity of retracting the step which it had taken, by renewing the friendly relations with this country. It was true that the state of things which led to the embargo in this case, merged in war; but it showed, at least, that there was nothing in our embargo incompatible with the continuance of negotiations between the parties. War was, in fact, to be avoided by all possible means; and it was, therefore, the duty of the Government to try whether, by suspending the fall of the sword for a time, they might not avert so dreadful a calamity. They had, therefore, proceeded in the first place, to detain the property of the Dutch; they had resolved to try the minor measure before they had recourse to the more severe. It appeared, that in the opinion of the hon. and learned Gentlemen opposite, they ought to have proceeded immediately to declare war. The right hon. Baronet opposite had said: if there is a cause of quarrel, go to war. [Sir Robert Peel denied this.] The words of the right hon. Baronet implied as much. What, however, was the opinion of Vattel on this head, expressed in the very chapter quoted by the right hon. Baronet opposite? He said that the law of humanity directed the postponement to the last moment of the fatal measure of war. He then went on to state, that very different opinions were entertained with respect to this matter, and that if a Prince having a dispute with another power, endeavoured to bring him to a sense of justice by the seizure of his ships and the detention of his property, there were certain men who would cry out that this was robbery; but if that Prince had at once declared war, they would not have said a word against him but rather praised him for doing so. Strange perversion of reason and of every sound principle! His Majesty's Ministers had acted upon this principle; and for doing so they were accused of robbery and piracy. Would they have satisfied the opposite

side if they had immediately declared war? He did not believe, certainly, that the right hon. Gentlemen opposite would have approved of their going to war in favour of Belgium; but he certainly did believe that they would have had no objection to this country's going to war to prevent the separation of Belgium from Holland—to maintain a Union which was hateful to the Belgians, and not more agreeable to the Dutch. If Ministers had pursued that course, he did not know what would have been the opinion of the right hon. Gentlemen; but he was sure that Ministers would have deserved the reprobation of that House and of the country. Thus, in every point of view, whether the question were considered as one of municipal law, or of international law, it was perfectly clear that the embargo was just. The measures which had been taken were in perfect concurrence with the other Powers. The five Powers had commenced their interference in the affairs of Belgium as arbitrators, and they entered on that office before the period when his Majesty's present Ministers came into office. The first act of these arbitrators was to say—"You shall fight no more. The war must be suspended for an indefinite period." The parties objected to the suspension of hostilities for an indefinite period. What was the answer of the five Powers? "We are ready to enforce the armistice with our whole power, and the first act of hostility committed by either of you against one another shall be regarded as an act of hostility against us." [Sir Robert Peel: That was a mediation.] It was a mediation, or it was an act of arbitration. If it were not, there was no dispute about the subject, but with regard to words. After finding, however, that the Belgians declared they would never again bear allegiance to a Prince of the House of Nassau, the five Powers no longer persevered in their course of arbitration; but they endeavoured to persuade the two parties to arrange their differences amicably. They then took the character of mediators; and that course they had pursued, perhaps too long. In the opinion of some hon. Members, at least, they had pursued it too long. He had been ridiculed on all hands, and held up to the derision of that House and of the country; but the country was too enlightened to ridicule him for endeavouring to preserve peace by protocoling, as it had been called. The hon.

member for Essex had talked contemptuously of his hammering out protocols; he found fault with the Ministers' adherence to pacific counsels; and he was no less displeased, it appeared, with the departure from them in the case of the attack upon Antwerp. Whether they attempted to preserve the peace of Europe, so much endangered by the quarrel of the Dutch and Belgians—whether they endeavoured to preserve peace by persuasion or by force, the course which they thought it advisable to pursue was equally disagreeable to those hon. Gentlemen. He trusted, however, that the House and the people would better appreciate their endeavours to prevent a war in Europe, and a conflict of political principles which would inevitably have arisen if such a war had taken place. He expressed his sorrow once more, that neither their peaceful endeavours to attain these objects, nor their endeavours in the way of coercion, had had the good fortune to hit the fancy of the right hon. Gentleman. They were accused of continuing the system of protocols too long; but, for his own part, he thought that protocols were better, and less expensive than *Extraordinary Gazettes*; and the effusion of ink was much less to be regretted than the effusion of blood. Having tried these means, the five Powers felt it to be their duty to draw out the terms of an arrangement, founded on the due consideration of the claims of the two parties; and the result was, the Treaty signed in October, 1831. They then told the parties that it was their determination to enforce the terms proposed. They then took the character of arbitrators again; and Belgium having accepted the terms, they then took that of guarantees. Holland, however, believing from every turn of affairs, that she would obtain better terms, refused to agree to the proposals, and she had ever since refused to accede to that or any other arrangement. The Five Powers, he repeated first commenced as arbitrators; they then became mediators between the contending parties. They afterwards resumed the character of arbitrators; and they were now to be considered guarantees of the treaty which Belgium had accepted. This, the noble Lord observed, was the character in which the Five Powers now stood with respect to Belgium and Holland. There had been no difference of opinion among the Five Powers respecting the embargo; and Belgium had a right

to expect from them that they would take some measures, in order that the treaty might be fulfilled. The hon. member for Essex (Mr. Baring) complained of our conduct to so faithful an ally of this country as Holland. He did not wish to disparage Holland; but had Holland acted the part of a faithful ally to this country in the time of the American war? Had it done so in the time of the French war? Or since the peace of 1815, had it displayed any of that friendly feeling in its colonial and commercial regulations which might have been expected, considering the sacrifices which had been made by this country on her account? The conduct of the Ministry had been characterised as imbecile, and as diplomatic foolery. The member for Essex might probably recollect the declaration which he had made on the occasion of the French troops proceeding to Belgium in 1831: "That if the Government succeeded in getting the French troops out of Belgium, it would indeed be a master-piece of diplomacy." The French troops had left Belgium; yet it was no master-piece of diplomacy; it was owing to nothing but the good faith and nice sense of honour with which his Majesty the king of the French, not only on that occasion, but on every other, had been found anxious to fulfil every obligation. The Convention on the subject had been laid on the Table yesterday. Notwithstanding the sarcasms of Gentlemen on the opposite side, he was convinced that Ministers, by cultivating friendly relations with France, were taking the best means to secure the peace of Europe. While the two countries continued united, they could command the peace of Europe; for France and England together would never make an unjust war; and he should like to know what power or what confederacy of states had any chance of success from making an unjust war upon France and England united? The Representative system established in both countries was a guarantee that they would involve themselves in no unjust wars. The great foe to the peace of Europe was Holland. The great cause of the obstinacy of the Dutch was the secret hope by which they were undoubtedly actuated of reconquering Belgium. Every event which had recently taken place in Europe had been watched by them, in hopes of its leading to circumstances which might be favourable to the recovery of Belgium. Even the defeat of the

Grand Vizier had been considered a matter which might by possibility favour this design. In these circumstances, the present discussion would tend much to increase the obstinacy of the Dutch. If the friends of hon. Gentlemen on the other side had wished to embroil Europe in a general war, they could not have adopted a more likely course than by entering into communications with the very people between whom and this country there were at that time existing communications and negotiations. No men who had held office or filled public situations, but must know that to put themselves privately in communication with those with whom the Government is negotiating is not the best way to promote the success of that Government. What, however, was their present course? They sought insidiously to produce an opinion unfavourable to the policy pursued by Government. It was no answer to him to say that no motion had been introduced—that, therefore, there would be no expression of opinion; for if they did not seek to obtain a vote of the House, they endeavoured to give the House a particular view before the necessary documents were ready to be produced. But he did not regret the discussion that had taken place, because the arguments of that night would establish the legality, and the papers when produced would prove the policy and justice of the course pursued by Government. He would, therefore, declare that there was no intention whatever of interfering with the independence of Holland, much less with any of her interests. The sole object was to establish the separation which was now necessary for the welfare of both nations. The independence of Belgium and her neutrality, guaranteed as they were, promised nothing but utility to Holland. If Holland should attempt to recover Belgium, a general war would probably be the result; if she endeavoured to partition it by the aid of other powers, she would find that she had acted unwisely and fatally by making such an attempt. Whether her object was the recovery of Belgium by her own arms, or the partition of it with the co-operation of other powers, it would be the interest and the duty of the British Government to prevent her. The object of this country was to make Belgium independent, and to be independent she must be prosperous, and by that the peace and prosperity of Holland would be best consulted.

Sir Richard Vyvyan thought it was rather unfair on the part of the noble Lord to taunt his right hon. friend (Sir Robert Peel) for not having brought forward this subject last year, for upon several occasions when it was brought forward it was postponed at the urgent request of the noble Lord himself. Even now the noble Lord told them the subject was not yet ripe for discussion, because the papers were not yet before the House. He must complain too of the noble Lord for having given, in his narrative, an unfair epitome of the proceedings of the Conference. The noble Lord had forgotten to tell the House one important fact, namely, that there was no separation between Holland and Belgium *de facto* before the Duke of Wellington quitted office. The proposal for such an event might have been mentioned at the Hague; it might have been resolved upon at Brussels, or projected in London; but until the king of Holland gave his assent, the Belgians were only revolted traitors to their lawful sovereign. The noble Lord, with reference to this part of the question, had not told the House that the 12th protocol, although accepted by the king of Holland, was rejected by the Belgians. The manner in which the king of Holland had been treated, from the commencement of the business of rebellion to its termination—in having his territory invaded, and his possessions wrested from him by force of arms, and the vessels and goods of his subjects forcibly seized and detained—was most cruel, insulting, and oppressive. So anomalous was the course pursued upon the occasion, that the parties could not even agree upon the terms by which to designate it. The French government had distinctly declared that the Conference was a mediation in which force of arms was not contemplated. The noble Lord attempted to get out of this difficulty, by assuming that the character of the negotiation was changed when he came into office. First, he said, it was an arbitration; then it became a mediation; and afterwards, at his own good pleasure, it became an arbitration; which necessarily involved the employment of force. But whatever it was, surely, after three Powers out of the five composing it had withdrawn, there was an end of the Conference. If it continued after that, it could no longer be the same body, having the same powers or rights. If, as the noble Lord said, it was an arbitration, how

came it that the majority of voices did not decide the question? If three Powers voted against an act, and two persisted in it, that could not be said to be the act of the five. The interference of France and England, therefore, with Holland, was a separate and independent act of those two powers, having no reference whatever to the previous objects of the Conference. The noble Lord's sole justification for the conduct of England in the affair was, that she was bound by engagements with France. But if the purport of those engagements was unjust and tyrannical, did the mere fact of such engagements existing clear the noble Lord from responsibility? The noble Lord had laid down a new principle in European diplomacy, namely, that if the subjects of a king chose to revolt from him, they might lawfully do so, and be entitled to the aid of foreign powers to erect themselves into an independent state. This was the new principle of the noble Lord, and its folly and injustice had received a signal reproof from the Speech put into the mouth of his Majesty in opening the present Parliament. The first sentence in that Speech announced his Majesty's determination to carry into effect the objects of the Conference in completing the separation of Belgium from Holland. That was the first sentence of the Speech. The last was a singular contrast to it, for it contained his Majesty's expression not to permit any measure having a tendency to weaken even the legislative union between two portions of his dominions. Thus was one sentiment in his Majesty's Speech made to rebuke another. Did not the noble Lord see how the same argument might be brought forward hereafter to justify the separation of Ireland from England. The difference of religion and many other points of similarity between the grievances of Belgium and Ireland as against the Union with Holland, on the one hand, and England on the other, might be adduced with as much plausibility in the one case as in the other. He thought a great distinction was to be drawn between the Convention and the treaty. By the Convention the king of Holland was not called upon to deliver up the territory which he had taken from another, but he was called upon to give up a city which had been delivered to him as a sovereign. If ever there was a question upon which the right and justice were clear, it was in the king of Holland's

right to the Scheldt. That river always had been closed from the earliest days of Dutch power, a right which was possessed by Holland as one of the consequences of that manly struggle which was the beginning of their national history. The right to close the Scheldt had been defended and maintained by every treaty, from the peace of Westphalia down to the occupation of Belgium by the French republic. When Belgium was annexed to Holland, it became an open navigation; but as the basis of the new treaty of separation admitted the *status quo* before the union, the right to close the Scheldt ought in justice to revert to the Dutch. But the king of the Netherlands had given up that right. He contended for the undoubted privilege of a sovereign to fix the toll, and the noble Lord, determined to trample him completely under foot, made a commercial war, for the purpose of utterly subjugating and demeaning the Dutch nation. The noble Lord deprecated discussion now, as he had always done before; but had nothing occurred since the last Session? Had not blood been spilt? Could the noble Lord possibly defend his siege of Antwerp? He found fault with the right hon. Baronet for bringing forward that question now. But was not the act complete? Was not Antwerp taken, and its garrison now prisoners of war? Were we not at war? [Lord Palmerston: No!] Then how could this garrison be prisoners of war? The noble Lord had proceeded upon the principle of force, not of law or of right, in this business. He had concurred in doing by force of arms as great an act of injustice as had ever been imputed to Napoleon. The king of Holland was accused of breaking the Treaty of Vienna; but that treaty was at an end from the moment the Conference of London met—from the moment Louis Philippe ascended the throne of France. On the opposite side of the House the question of policy had been fully discussed. On his side of the House this had been carefully avoided, for they considered justice to be the best foundation of policy. The question of the embargo, or rather the seizures of an ally in the Channel, had been already fully argued by his hon. friends. He should only say, that if the intention of the noble Lord was to alarm and annoy the merchants of Holland, to breed dissension and dislike between the subjects and the

sovereign of that state, a more reprehensible course could not have been adopted. Almost all other embargoes had been preceded by a declaration of war. The noble Lord had mentioned Turkey, but then we were at war, and sent a fleet to the Dardanelles; in the case of Denmark, their fleet was captured after a bloody engagement—in that of Russia, the Emperor Alexander had issued his manifesto after the treaty of Tilsit. The American proclamation came out on the 18th of June, 1812, and the embargo was instituted by this country on the 1st of August following. An insinuation had been thrown out against Gentlemen on his side of the House as entertaining a hope of involving Europe in war. Nothing could be more unjust. He was convinced that every Gentleman on his side of the House would do his utmost to produce a contrary result. But rather than purchase dishonour by sanctioning the interference of the great Powers upon every occasion, to overawe the weaker in defiance of right and justice, he would prefer an appeal to that great arbitration which would ultimately settle all disputed rights. It appeared to him that we were now in a state of war without being able to anticipate the advantage of bringing the matters in dispute to an equitable settlement.

Subject dropped.

The House resolved itself into a Committee of

SUPPLY.] Question put, that 3,000,000*l.* be voted to cover the deficiencies of the revenue for the year 1832.

Mr. *Hume* said, that he had intended, could he have found a time, to call the attention of the House to the state of the annual supplies. In his opinion the Estimates ought to be laid on the Table before they voted the supplies. The Revenue of the country amounted to about 50,000,000*l.* but of this sum no more than 17,000,000*l.* or 18,000,000*l.* were under the control of the House. A great number of Members knew nothing whatever of the mode in which this was disposed of, for there were no documents which could readily exhibit the real state of things. The custom of referring some taxes to the Consolidated Fund, and others to other heads, produced confusion. He wished there should be laid on the Table a statement of the whole expense of collecting the revenue, as well as of the disbursements made before it entered the

Exchequer. It was true these accounts were laid on the Table, but in such a manner that no sort of check could be exercised over them. No control could be effectual until every farthing collected was exhibited on one side, and every farthing expended on the other, and, in addition, every farthing that was voted by the House. He would ask the noble Lord (Lord Althorp), had he any objection to place all the accounts of the expense of collection, &c. before the House? The plan of subjecting the accounts to the annual control of the House, was much better than that of referring them to Committees. He could state instances where the collection of 500*l.* cost 1,000*l.*, and many more of a similar nature.

Lord *Althorp* said, the hon. Member's object was to have the whole expenditure and receipts exhibited on one balance sheet. But the object could be easily attained, for, under the separate heads, accurate accounts were given of every branch, including that of the collection of the revenue. All these were under the control and check of the House. As to forming the Estimates before the expenditure, he (Lord Althorp) deemed that impossible. It was the intention of Ministers to issue a Commission for investigating the collection of the Excise, Customs, and other branches of the revenue. No other course was possible in a matter so complicated; but he hoped that improvements would be effected in the collection of the revenue. There were glaring defects in the present system, and he would endeavour to remedy them.

Mr. *Herries* thought, that the exhibition of the net as well as the gross receipt and expenditure, would tend to attract Members to the subject, and perhaps make them attempt a diminution of the expense. He wished to know when the noble Lord contemplated the possibility of making his financial statement for the year?

Lord *Althorp* replied, that the general balance sheet recommended by the hon. member for Middlesex might be beneficial as respected the expenditure of the past year, but not with reference to that of the current year. It was impossible for him now to say when it would be in his power to make his general financial statement. The financial year did not expire until the 5th of April; and it was too much, therefore, to expect that the general statement should be made so early.

Mr. *Hume* observed, that the reason why the financial year had been altered from January to April was, that the House might have the Estimates, and the general statement of the financial Minister under their view, before they were required to vote any additional sums. The Commissioners of Public Accounts had been engaged for three years in considering the best means by which those accounts might be simplified—he should like to know what they had done.

The Resolution agreed to; as was also a Resolution for granting to his Majesty the sum of 25,896,000*l.* to pay off and discharge Exchequer Bills issued on the aids of the years 1832 and 1833.

On the Resolution for granting to his Majesty the sum of 274,050*l.* to pay off and discharge outstanding Exchequer Bills, issued in aid of public works, building churches, &c.,

Mr. *Hume* expressed his opinion that the labour of the Commissioners being completed, their salaries should cease.

Resolution agreed to; as was also a Resolution for granting to his Majesty the sum of 1,582,000*l.* to pay off and discharge Exchequer Bills issued for the payment of the balance due to the four thousand holders of Four per Cents, who had signified their dissent to the conversion of that Stock into Three-and-a-Half per Cents.

The House resumed.

HOUSE OF LORDS,

Monday, February 18th, 1833.

MINUTES.] Bill. Read a third time:—Regulation of Lunatics.

Petitions presented. By the Earl of CAWDOR, from Haverford West, against Slavery; and from Tenby, against the Corporation System.—By a NOBLE LORD, from Wisbeach, Isle of Ely, for the Better Observance of the Sabbath.—By the Duke of RICHMOND, from St. Peter's, Derby, to the same effect.

STATE OF IRELAND (RETURNS).] Lord *Ellenborough* said, he was about to move for some returns, but if the noble Lord opposite had any objection to their being produced, he would not press his Motion. A return had been laid on their Lordships' Table that morning, made by the Chief Constable of Ireland, of all outrages committed within their bailiwicks during the months of March, April, May, and June, 1832. He wished to move that a similar return be laid before their Lordships, made up to the latest period.

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Earl *Grey* said, that he could see no objection to the return being made, but, under the present system of intimidation which he had described a few nights ago, many persons who had suffered from those outrages preferred to suffer in silence, instead of making it known, on account of the risk they would have run. He certainly should object to those returns if he were to understand that the noble Baron considered the production of them necessary before their Lordships could proceed with the Bill which was discussed on Friday. He hoped, however, that the noble Lord had no intention to delay that Bill by the present Motion.

Lord *Ellenborough* had no intention whatever of impeding the progress of the Bill introduced by the noble Earl. The returns which he moved for were all the evidence upon which their Lordships could agree to such a Bill as that was; therefore he regretted that his Majesty's Ministers had not thought it their duty to lay the Bill on the Table on the first day of the Session, or that they had not, at all events, laid the evidence upon which they had introduced such a measure before their Lordships at that early period. A measure of that importance ought not to be passed without the fullest consideration. If there was no objection to his Motion, he would then move it.

Viscount *Melbourne* said, he had not the slightest objection to the production of the information required by the noble Baron. The noble Baron would see, however, that in the present state of Ireland it would require some consideration as to giving the names of those individuals upon whom outrages had been committed. It would be necessary not only to omit names, but localities, in order that persons might not be pointed out for further vengeance. At the same time, he must say, that the return would not answer the object of the noble Baron.

Lord *Ellenborough* said, there would be no difficulty in the case, for he did not wish for names; all that he called for was a statement of facts. The noble Lord could not, he thought, have made himself acquainted with the returns already on the Table, or he would have known that they contained much useful information without the names of any of the parties.

The Marquess of *Westmeath* said, that of his own knowledge he could bear testimony to the statement of the noble Earl (*Grey*), that at present such a return as was

called for could not with safety be made ; and it must be very inaccurate.

Earl Grey had thought that the notoriety of the facts which he had detailed the other night would have induced any noble Lord to concede the measure which he had introduced. He had really thought, that when evils had arrived at such a pitch, so that no longer a hope could be entertained that the powers of the law could be enforced—he did not imagine that any person, least of all those who had been most anxious for such measures, would have stated any objections to them. He hoped that the measure would not be delayed, and he trusted that if the noble Lord's object was to delay the Bill, nobody would concur with him ; nor would they, he (Earl Grey) hoped, consider it necessary to have the information to justify the Bill. Under the circumstances which he had the other evening detailed, his Majesty's Ministers felt it necessary to introduce a measure which they believed would be most effectual, and he trusted that it would be of the shortest possible duration. He had imagined, from the general assurance given a few nights ago, that the principle of the Bill was acceded to, and he trusted that the noble Lord would not object to the Bill passing before the returns could be produced.

Lord Ellenborough said, he had already stated, that he had no intention to retard the progress of the Bill upon the Table ; but he did much regret, that the noble Earl had not laid all the information which he possessed before the House at the first meeting of Parliament, and which had induced Ministers to bring in the Bill. The noble Earl had misunderstood him if the noble Earl imagined that the observations he had made applied to the noble Earl. They applied to the noble Viscount (Viscount Melbourne). He (Lord Ellenborough) had asserted that the noble Viscount could not have read the papers on the Table if he thought the production of the further report on that principle could injure any one. He was still of opinion that the information sought for by those returns ought to be produced. He did full justice to the noble Earl for the feelings which must have actuated him in proposing such a measure. He had no doubt, that the noble Earl must have suffered acute pain in producing that measure ; he must have forgotten all the feelings of his former life if he did not suffer pain in producing such a measure of severity. Those very feelings of patriotism by

which the noble Earl was actuated had induced him to come forward to their Lordships with the Bill, notwithstanding the pain which it gave him—a Bill similar in principle to one which the noble Earl had formerly opposed, because the noble Earl now thought the passing of the measure was essential to the peace and security of Ireland. He hoped, therefore, that it would not be said, that he had not done full justice to the noble Earl for the principles which actuated him in bringing forward the Bill. In conclusion he would beg leave to move for Copies of the monthly Returns of the chief constables of police in Ireland, of outrages committed in their respective baronies, since the month of June, 1832, in continuation of the Returns ordered to be printed on the 16th of July last.

Motion agreed to.

[EXPENSE OF PRINTING.] Lord Teynham moved that the Report which had been brought up from the Commons together with the evidence, relative to the employment of children in factories should be printed. He would also give notice, that on the 1st of next month he would introduce a Bill, the object of which would be, to have inspectors and guardians appointed of the children employed in factories, justice calling aloud upon the House for some measure to prevent a continuation of the present demoralizing and injurious effect of the system.

Lord Ellenborough did not rise to oppose the printing of the Report moved by the noble Lord, but he rose for the purpose of calling their Lordships' attention to the subject of printing reports and evidence generally. He was exceedingly anxious to have the evidence of the Select Committee of the other House of Parliament on a most important subject—the charter of the East-India Company—laid upon the Table and printed, but he was deterred from doing so on account of the vast expense of printing it. When he mentioned that the evidence occupied no fewer than thirteen folio volumes their Lordships need not be told that the expense of printing must be enormous. This had induced him not to move for the information. He begged to suggest to noble Lords the propriety of considering the expense thus incurred ; and he thought it would be well to see whether by some arrangement the double expense of printing reports might not be avoided. He thought that some plan might be

devised that the information thus possessed might be communicated to each House as required, and the double expense of printing done away with.

Earl Grey agreed with the noble Baron who had just spoken, that the expenses of printing such a report as that mentioned by him would be enormous. With respect to the suggestion made by the noble Baron as to each House furnishing reports to the other, he begged to state, that the subject had been under the consideration of a noble friend in the other House of Parliament, and that Ministers would be very glad if a plan could be devised to save the expenses incurred by printing double reports.

Motion agreed to.

Earl Grey moved the Order of the Day for the second reading of the

SUPPRESSION OF DISTURBANCES (IRELAND.)] The Earl of Wicklow said, he felt it was impossible for him to allow this Bill to pass without making a few observations—though it was far from his intention to throw any impediment in its way. Indeed, after the melancholy, though not too highly-coloured picture laid before their Lordships by the noble Earl a few evenings back, he felt himself bound to give his support to a measure which had for its object the relief of his native country from that state of degradation to which it was reduced, and which rendered it a disgrace to civilized nations—a situation which would appear horrid even to the eyes of the brute savages of the Sandwich or the Friendly Islands. He and those on his side of the House had frequently urged this dreadful state of the country upon the consideration of Ministers; he and those on that side of the House had repeatedly urged them to take some measures for restoring tranquillity—not as the noble Lord had done, by introducing strong measures, but by vindicating the law—by affording protection to the well-disposed portion of the community—and by declaring their determination to support them against every attempt at outrage. He had called on his Majesty's Government to afford such protection during the last Session, but in vain. It was a subject, therefore, not certainly of much gratification, but of extreme surprise, to hear the new tone which his Majesty's Ministers now assumed—to see the new system which was about to be pursued—the new light which had so suddenly broken in upon them. During the past

year—indeed during the last Session of Parliament—crimes occurred of equal atrocity, though, perhaps they were not so frequent as those detailed by the noble Earl—for it was the nature of crime, when unchecked, to advance with rapid strides. Crime, however, was equally atrocious—the state of the country was repeatedly pressed on the Ministers—they refused to take any steps. The Magistrates in Ireland were left paralyzed and exposed to every possible risk from those against whom they had to contend—deserted and unprotected by the Government. This, too, at a time when it was alleged that they had power sufficient—the first legal authority in that House declaring it to be his advised opinion, that the Government already possessed power as great, or greater than that which they now sought at the hands of Parliament—no less a power, namely, than that of suspending, by the authority, of the Lord Lieutenant himself, the *Habeas Corpus* Act. The authority of the law, however, was not vindicated—and not only were the perpetrators of these crimes not punished, but they were decked out in silk trappings, favoured with patents of precedence, and elevated to high rank and place. But it was then deemed necessary by the Government to conciliate the breakers of the law in Ireland, for the sake of passing a measure which they were ready enough to support, inasmuch as it would tend to consolidate their power, and weaken that of the Government. But as soon as that measure was passed through the Legislature, the aid of the Irish Agitators was no longer necessary—the Ministry became independent of and cashiered their allies, and, having served its turn, down went the scaffolding of priests and demagogues, by means of which the building had originally been erected. He believed, however, that the Ministers intended well on the present occasion. The present Government, indeed, possessed very little power in Ireland; and it was very natural, therefore, that they should seek to strengthen their influence in that country. He would ask that House merely to refer to the Irish elections. In almost every case, the contests took place between the extreme Radicals and the Conservatives. The Whigs were completely scouted from the field of contest. It was necessary, therefore, for the Government to consult one of these contending parties, and strengthen itself by an alliance with their interests. No better mode could have been adopted to

gain the support of the Conservative party than by the introduction of measures tending to tranquillize Ireland. His Majesty's Ministers well knew that they who had ever opposed them would readily give them their support to such measures. They knew that no party feeling was entertained on that side of the House. As the Ministers had arranged their plans, however, it appeared that they hoped to conciliate one party by the introduction of one set of measures, into that House, and the other party by the adoption of another set into the other House. Of the working of such a system as this it was easy to predict the consequences. What must their Lordships think when they saw the first Minister of the Crown coming into that House with such a measure as that introduced by the noble Earl—a measure calculated to tranquillize Ireland, and relieve that country from its distresses—whilst the leading Minister in the other House was introducing measures and broaching doctrines which it was impossible to contemplate without the most serious alarm? A measure, however, founded on such doctrines had not yet reached the Upper House, and it was to be hoped it never would. He could not contemplate without horror the spirit, the *animus* which could dictate to the Government to lay its sacrilegious hands on the venerable pile of the Church of England. It was impossible to think of such a measure without believing that it was intended to destroy that branch of the Church of England, which extended itself into Ireland for the purpose of creating in its place some flimsy fanciful structure, calculated only to gratify the eyes of the agitators and demagogues of the present day. No doubt their Lordships would be told, as they had already been, that it was necessary to introduce some measure of conciliation, in company with their measure of coercion; but no sooner would Ministers carry into effect some other measure of conciliation, than the agitators would find some new class of property of which they would demand the sacrifice, and some new set of men to immolate. Nothing could be more dangerous than proceedings of this description. They operated as a premium on dissatisfaction and turbulence—a premium, too, for those who required nothing to stimulate them in their course of agitation. He thought the system a bad one. They ought rather to uphold the authority of the law, in the first instance, and then let conciliation follow in such a manner as that

it might be received as the voluntary act of a beneficent Legislature, rather than as a forced concession, unwillingly wrung from them. He thought the principal cause of the measures which the Government was bringing forward was the agitation of the proposition for a Repeal of the Union. Much more importance was, in his opinion, attached to that subject than it really deserved. If it was apprehended that that question had taken such deep root amongst the Irish people, and if it could be proved that a large number of the Irish population were looking forward with eagerness to a measure which should separate the two countries, to the destruction of both, then he thought that Government was bound to take much more rigorous measures to put it down, and the agitation of that question should be deemed the greatest offence which the eye of the law recognized; but he did not believe that such an impression was general in Ireland. At first view, indeed, when he observed that nearly forty Members pledged to the Repeal of the Union were returned to the House of Commons, it did appear as if a large portion of the constituency had adopted that question; but it should be remembered, that more than half of those who voted were not of the description of people to whom the representation naturally belonged. The Repeal of the Union was, in fact, but the watchword of a faction—the Repeal of the Act of Settlement, or any other cry, would serve the purpose as well. The wonder was, that such a large portion of the constituency had been found to support Gentlemen opposed to that measure, in spite of the threats held out to them. In his opinion, there was never a question which had so little to recommend itself to Parliament. It was impossible not to consider into whose hands the powers of this Bill were to be placed. It was a curious fact, that there was but one point upon which all parties in Ireland were agreed. It was, in condemning the conduct of the Lord Lieutenant. He entertained the highest opinion of the noble Marquess at the head of the Irish Government, and he thought the noble Marquess had been unjustly treated. He believed there existed not one individual more disposed to further the tranquillity of Ireland than the noble Marquess—he believed that the errors of that Government were not to be attributed to him. One of the great evils arose from the noble Marquess not having sufficient authority. He (the Earl of Wicklow)

would contend that it was a great misfortune for the Lord Lieutenant of Ireland to have a Secretary who was a Cabinet Minister. He was inclined to think that a person going there clothed with such authority was apt to assume a spirit of dictation, inconsistent with the duty of a Secretary. He did not blame the right hon. Gentleman who now held that office; it was an ambition worthy of him; but when that right hon. Gentleman first went as Irish Secretary to that country, he was not a Cabinet Minister, and when he was appointed a Cabinet Minister, nobody thought he would ever have returned to that country as Secretary. He had no intention of blaming the right hon. Gentleman; but the fact of his being a Cabinet Minister had caused serious evils to the country. Indeed, from the time of his accession to the Cabinet, he had taken care to spend very little time in Ireland. If he was promoted to some higher situation, and a person with less talent and more experience were appointed Secretary, then the noble Marquess would exercise those powers which properly belonged to his office with credit to himself. He placed much confidence in his manliness, humanity, and prudence. He would behave with vigour when necessary, and forbear to exercise the great powers confided to him, unless when they were absolutely required. He would give no opposition to the measure.

Viscount Melbourne rejoiced that it was the intention of the noble Earl, who had just sat down, to offer no opposition to the Bill upon the Table, inasmuch as he was thereby relieved from the necessity of arguing the question at length with the noble Earl. But some remarks of so much asperity and bitterness—conceived, indeed, in a spirit quite unsuited to the occasion—had fallen from the noble Earl, that it was quite impossible for him to permit the Bill to pass without making a few observations in reply. The noble Lord had asserted, that there was a culpable neglect on the part of the Government—that they showed a reluctance to use the ordinary powers of law to repress disturbance—and that those powers, exerted in due time, and with proper energy, would have effected the pacification of the country. This charge he pronounced utterly without foundation. Without intending any offence, he would still boldly deny, that on the part of either the English or Irish Government, had there been any want of energy or firm-

ness. It was true, he was aware, and he admitted the fact, that the present application for additional powers had been so long delayed, as to render harsher measures necessary than might have been originally employed. But, admitting this, he begged leave to state the cause of the delay. It was because Government hoped that, considering the time and circumstances of the country, the powers of the Common Law, wielded with the energy which he contended had been displayed in its application, would have repressed disturbance. And he would maintain, that it was better, situated as affairs were then, to bear with even certain evils, than prematurely exert those powers to which they had even now recourse with the strongest regret and reluctance. For a considerable period even after the prorogation of Parliament, there did appear a prospect of preserving order without appealing to Parliament. A sanguine hope had been entertained, that a prospect existed of repressing outrage and restoring general tranquillity by the ordinary powers of law. For a time this flattering prospect continued; but at length it became totally clouded, and gave place to a scene of disturbance, disorder, and murder, that imperiously demanded the powers to which their Lordships' sanction was now required. But the noble Lord had charged the Government with looking for the support of the persons who instigated those crimes, and supporting those individuals in return. This charge he met by a flat denial. In language as respectful to the noble Lord and the House as he could employ, he asserted that the fact was not so. The Government never was influenced by any such sinister motive. But his Majesty's Ministers, had introduced measures of conciliation, remedies of old acknowledged grievances. He admitted that they had done so, and in his opinion they behaved with wise, sound, humane, policy. The noble Lord, indeed, thought that the disturbances should have been repressed in the first place, and that the remedy of grievances should follow. But their Lordships would probably feel that the very circumstances which now called for vigorous measures had in part proceeded from such policy. Similar language and conduct was used to meet the measures proposed by that great, prudent, and eloquent statesman, Mr. Grattan, in 1786 and 1787 on the very subject of those tithes which created so much disunion at present. It was to the principle which then prevailed, of putting down disturbances by coercive measures alone, that the evils,

the disorder, and disturbances of the country were to be attributed. He had therefore no hesitation in admitting, that the necessary measures of coercion were to be accompanied by others of concession and salutary improvement. He should be glad to find the noble Lord's view of the state of the "Repeal" question well founded; that it had made little progress in the feelings, and no impression on the understanding of the people of this country he was satisfied, but he was not convinced that the impression on the mind of Ireland was feeble and transitory. When certain proceedings of the public called the attention of the Government to that question, it was the duty of the Government to declare at once their opinion of such a measure, and call upon the House to maintain the Union strictly and entirely. The noble Lord, though he had been willing in some respects, to do justice to the Lord Lieutenant of Ireland, had cast some censure on him. He (Viscount Melbourne) was certain that the general feeling of the House was one of confidence in the noble Marquess, and joy that there was at the head of the Irish Government an individual so well qualified to exercise the great powers that would be placed in his hands. But if any errors had been committed, they certainly did not arise from the cause assigned by the noble Lord. The whole of that statement was entirely without foundation. Nothing of the sort stated had occurred.

The Earl of *Longford* was of opinion, in opposition to the noble Peer who had just addressed the House, that the Marquess of Anglesey deserved censure, and that it was the duty of their Lordships to express their opinions. For several years that noble Marquess had misgoverned Ireland, and by his conduct and exhortation increased agitation in it. He knew, to be sure, that the noble Marquess meant only constitutional and legal agitation; but the noble Marquess's advice ought nevertheless to have incapacitated him for any share in the government of Ireland. Although he had seen agitation pursued every day, and spreading through the country, he had so much forgotten justice and prudence, as to publish a letter, which filled the Protestants with consternation, and redoubled the efforts of the agitators. He (Lord Longford) therefore thought him an improper man to govern Ireland. In private life he believed he was a good man, and he was ready to acknowledge his immense military talents; but he was not a person to be intrusted

with the reins of power. The Protestants of Ireland were in a state of constant anxiety. They had been violently convulsed by the conduct pursued some time since by the noble Marquess. They were perfectly aware that the ordinary powers of the law were not sufficient to quell outrage, and if Lord Anglesey, after spending the two last years in Ireland, was of a different opinion, he was unfit for the situation he held. These remarks he had not uttered with any tinge of personal asperity; but when his country was at stake, it became necessary to speak with truth and plainness.

The Earl of *Roden* agreed in what had fallen from the noble Viscount. It would be in the recollection of their Lordships, that on the first day of the Session, after the noble Earl on the opposite side of the House had stated what were the intentions of Government with respect to Ireland, that he had taken the opportunity of saying that, if the measures which the noble Earl had stated were best calculated to effect the object which he had in view were brought forward, they should have his support. He had carefully examined the Bill which the noble Lord had now moved should be read a second time. He found in it some things which required alteration, but, upon the whole, he could not help bearing his testimony, that the noble Earl had redeemed his pledge upon the subject; and he thought the noble Earl entitled to the praise of every good subject, for coming forward as he had, with great pain to himself, and submitting such measures to the consideration of Parliament. Their Lordships would give him leave to say, as an individual connected with Ireland, that any thing short of this measure would have been altogether ineffectual. Therefore it was, that he thought every credit was due to the noble Earl, and he should be the first person in the House to bear his humble testimony to the noble Earl's conduct. He must, however, say, that he was sorry that what had taken place in the House during the last Session of Parliament, and which many of their Lordships might bear in mind—he alluded to a motion of his own—had not been more considered and more inquired into than it was. He had taken upon himself to say, at the time he submitted that measure to their Lordships, notwithstanding what had fallen from the noble Viscount as to the situation of Ireland at that time, and as to the common law of the land being able to meet the difficulties

then existing—he had taken the liberty of presenting the opinions of men well known and much respected, stating that it was impossible to meet the difficulties, or give security and peace to the lives and property of his Majesty's subjects. But notwithstanding these repeated declarations, his Majesty's Ministers seemed unwilling to inquire into them, and he was now glad to see that they took shame to themselves for not having, at an early period, introduced measures which would have prevented serious evils, and preserved many valuable lives, which had since then been sacrificed—the victims of assassination. He knew himself one who, at that period, was in being, and had since fallen a victim to the assassin, whilst merely following his own duty as a clergyman of the Established Church. He, therefore, felt strong upon this point, and he must say, that it was little consolation to those who had these things to lament, that the Government took shame to themselves that they had not, at an early period, taken the state of Ireland into serious consideration. If they did not, he lamented it; he was sure they ought, when it was considered what were the offences which had been produced by their apathy and inattention. The noble Viscount had taken credit to himself for a vigorous exertion of the law at that period. For himself, he (Earl Roden) could never hear any individual talk of a vigorous exertion of the law, without remembering the case of Captain Graham, which made the Magistrates of Ireland feel that it was utterly impossible for them to act as they ought and would have done. That case was a blot upon the character of the Government of Ireland, which they never would be able to wipe out. It was the greatest act of injustice, and the greatest blot that could possibly stain their characters. As to the Bill now before their Lordships, he trusted that it would be carried by Ministers—he sincerely trusted that they would not in this instance give way to clamour; he trusted that when the Bill came into another place it would not be mutilated, and have those points which were strongest cut off, and rendered altogether nugatory. He trusted that the Government would show that they were decided, and that they would not rest till they had restored to a loyal people peace, tranquillity, and security for property. The noble Earl in his impressive speech had stated that it was a source of gratification [Earl Grey—I did not say gratification.]

He understood the noble Earl to express that sentiment at reflecting that these evils were not confined to one party, but were equally attributable to both parties. If the noble Earl meant that the Protestant peasantry of Ireland, or any individual of the Protestant religion in Ireland, had been engaged in these acts of insubordination, he would take the liberty of stating that there had not been one.

Earl Grey—I said that both parties were equally the objects of attack.

The Earl of Roden would assert that no Protestant Dissenter in Ireland favoured these deplorable proceedings. He believed that some of the Roman Catholic farmers and some of the Roman Catholic people, who were favourable to the state of things as they were, and who were opposed to the Repeal of the Union, had fallen under the rod of persecution. But looking to the whole system, it appeared to him to be a systematic attack upon the property of Protestant gentlemen—a guerilla warfare against the property of the Church—an attempt to overturn the Protestant religion. Yes, he would say, that it was a conspiracy—a jesuitical and subtle conspiracy—against the Protestant religion. The main object of those individuals who were engaged in this insubordination—high and low—he excepted none of them—was to extirpate Protestantism. He should be guilty of a dereliction of duty if he was not to declare that to that conspiracy many well-meaning individuals had fallen victims. Day after day the conspiracy was unfolding itself in those acts to which the noble Earl had referred. Reference had been made to a measure which he could not look to without considering it as being the door through which all the present miseries of Ireland had entered. He alluded to the Catholic Relief Bill, as it was called, of 1829. The noble Earl, in bringing forward the present measure, had said, that he was disappointed by the fruits which the Bill of 1829 had produced. He believed that the noble Earl was disappointed as well as his friend, the noble Duke (the Duke of Wellington), who had made a similar declaration. Such a declaration afforded, however, but poor consolation to those who prognosticated the evils that the measure would produce. He had conscientiously opposed that measure on political as well as on religious grounds, because he felt that from it would flow all the evils now complained of. That being the case, the question was, whether they were not to unite with the Government,

however different on some points their opinions might be, for the purpose of removing those evils. It was because that was the object of the noble Earl's Bill that it had his sincere and anxious support. One word as to the power to be given to the Lord Lieutenant of the country. He had always had the greatest private regard for the Lord Lieutenant of Ireland; he had known him long, though he had differed from him politically. "I think," said the noble Earl, "his politics extremely prejudicial to the best interests of the country, but I trust that, in the discharge of the duties connected with this Bill, he will show, what I am sure is the object of his heart, a desire to uphold the laws of the land, to give peace and protection, and put down insubordination, wherever it may be. As a resident landlord of Ireland, I shall offer my support to the noble Marquess in the district with which I am connected." He would not then refer to another measure, the Church Reform Bill, which had been introduced elsewhere. He should, when it came into that House, have an opportunity of discussing its provisions. At present he should only say, that he could not contemplate it otherwise than a measure having for its object the spoliation of the Church of Ireland; and that point once effected, the same principle would be speedily extended to the Church of England. The ruin of the Church establishment in both countries would, he was convinced, be the result of that measure.

The Marquess of *Clanricarde* said, it was erroneous and unjust to argue against emancipation, from the disappointment felt by the noble Duke opposite, or other individuals who had changed their opinions. Some hopes which he (the Marquess of *Clanricarde*) had formed were disappointed, but he could yet declare, that in the main and great features of its advantages which had been stated to the Legislature, it had not failed. In fact, the great consideration was not so much the utility of the measure, as the evils of refusing it. If the full advantage it promised had not been reaped, that arose from the length of time the measure had been delayed, all the suggestions of wisdom and prudence having been too long rejected. As to the efficiency of the existing laws to crush disturbance, he could declare, that about fifteen months ago, the county with which he was connected was in a state of extreme disturbance, but, by a vigorous use of the common law, it was restored to as great a state of tranquillity as any part

of the country. It was singular that the sole ground for impeaching the fitness of Lord Anglesey to command Ireland should be his having written, on a particular occasion, a letter, in which objections were taken to one sentence. But if one letter were to be a ground for declaring incapacity it would apply not to the noble Marquess, or persons on that side of the House alone. The noble Duke (*Wellington*) had been the author of a letter, which he afterwards declared might as well not have been written. If this was the case with so eminent an individual, it was not quite fair to bear hard on the noble Marquess. As to the idea of excluding Lord Anglesey from his Majesty's service on account of that letter, never was any thing more ridiculous. There was no one who could be employed in Ireland with more benefit to the State; no one in whose courage, talent, and humanity more confidence could be reposed. As to the distinction drawn that night between Catholics and Protestants, he hoped to God that those names would never again be heard in Parliament, and that all exertions would be devoted to the restoration of general peace. The Bill would restrain, he believed, even those to whom it did not immediately apply. The bigots of all parties would be restrained and prevented from sowing dissension and strife, stirring up envy, hatred, malice, and all uncharitableness. The Bill went to improve the law of the land, and on that ground he gave it his cordial support. If he believed that it was intended to serve any party or factious purpose, he would meet it with his determined opposition.

The Earl of *Longford* explained. He believed that the letter alluded to as written by a noble Marquess (*Anglesey*) was written when that noble Marquess was in office. The particular word mentioned was not a hasty word, but a word deliberately chosen and repeated. The noble Marquess (*Clanricarde*) had not only defended the noble Marquess (*Anglesey*), but he had attacked a large body of men. The noble Marquess had attacked the Protestants of Ireland, and particularly the Orangemen; but he could tell the noble Marquess that but for the Orangemen in 1798 his property would not have been saved. [The noble Earl was reminded by Earl Grey that this was not explanation, and he proceeded no further.]

The Duke of *Wellington* wished to call their Lordships' attention to the true circumstances of the case. His Majesty's Government had brought in this Bill, and

if his Majesty's Government could carry it through, it would be a good measure. It appeared to him, therefore, wise in their Lordships not to look back into past transactions, and not to inquire into the influence of the character and conduct of individuals in bringing about the state of things which at present existed. That state of things was such that the remedy of this measure was necessary. If it were not necessary it ought not to pass. He begged to remind his noble friend (the Earl of Longford) that if the recall of the Lord Lieutenant, or the recall of any other officer, would render the measure unnecessary, it ought not to be adopted. The truth, however, was, that the measure was most necessary. It would put arms into the hands of those who supported the Government, and put down those who opposed it. They ought not, therefore, he repeated, to recur to what the Lord Lieutenant had done or said; they ought not to look back, but only to look at the present state of things, and see what existed. They ought not to look back with a view of casting reflections either on one side or the other. On that ground he supported the Government. He believed the measure to be essentially necessary. On that ground alone he gave it his support. He wished that the measure had been brought forward before; but he was glad that it was now brought forward. On a former occasion he had been disposed to believe that certain parts of it might be made much better than at present. There were some parts of it which he believed would be difficult of execution, while they were anomalous in relation to that profession to which he belonged. He had since examined the Bill, as was his duty to do, and had some amendments which he wished to propose, in respect to the formation of Courts-martial under the Bill. He intended at the proper time, in the Committee to propose these amendments, and if the noble Earl would in the mean time consider them [The noble Duke handed some papers across to Earl Grey], he should be much obliged. His object was to put these Courts-martial on the foundation of its being the duty of the officers to form these Courts-martial. No doubt it was part of his Majesty's prerogative to order Courts-martial, and by virtue of that prerogative he could empower the Lord Lieutenant of Ireland to order Courts-martial to try offences in Ireland, but he wished the officers to know that such was the case, so that they should know it was a matter of duty, and not of choice. He

thought that there were some other deficiencies in the Bill. The noble Earl had not, he thought, in some other parts of the Bill, taken sufficient power to put down the evils which exist. At the proper time he would state what amendments he thought necessary, and if the Government should think proper to adopt the Amendments he meant to propose in the Committee, he had no doubt that they would improve the Bill. Again he would repeat that the measure was calculated to do good. If it were carried into execution in the same spirit in which it was passed through that House, he had no doubt that it would have the effect of insuring the protection of his Majesty's subjects.

Earl Grey would say first, with reference to the Amendment which the noble Duke thought would render the measure more effectual, that he returned his thanks to the noble Duke for the candid manner in which he endeavoured to improve the provisions of the Bill which he thought necessary. He could assure the noble Duke and the House, that he would consider the Amendments in the same spirit in which they were proposed; as it was his most anxious wish to forward a measure so important. But it was in the Committee, and not in that stage of the Bill, that he must consider and discuss the many hints which noble Lords had thrown out. He could only say, that the Bill had been most carefully considered, and particularly in reference to the formation of Courts-martial. If the suggestions of the noble Duke could render it more efficacious, he should be most ready to adopt them. He rejoiced that he had not risen before the noble Duke, who had so ably and clearly stated the proper objects for their Lordships' consideration, or he might have been tempted to say something, by the very unreasonable remarks which had been introduced. He agreed with the noble Duke at the unseasonableness of those observations and must again thank him for the handsome manner in which he had recalled the attention of the House to the grounds of passing this Bill. He agreed with the noble Duke that they ought to apply themselves only to the circumstances of the present time; and resting on those circumstances, to prove from them the necessity of passing the Bill for the good of the country. That was the sole object which ought to be kept in view, without making any reference to party feelings. He would not say more on the subject of the introduction of the Bill, which was a measure of painful necessity, and he had hoped as such, that it

might have passed through their Lordships' House without exciting any of those party feelings which were frequently mixed up in their discussions, but which were unsuitable to a measure calculated only to provide for the public security—to preserve the public peace—to assure the authority of the law—and to maintain the power of the Government so that it might insure the protection of the people and the liberties of the subject; if, indeed, the power of the Government and the liberties of the people were not the same in effect and what destroyed the one must destroy the other. He did hope, he said, that a measure of this nature would have been discussed with entire deliberation and without that mixture of party zeal which, whenever it mingled in their discussions, was painful to witness, and injurious to their own high privileges. A measure of this kind ought to be discussed with that calmness which was due to the people whose rights were to be suspended, and due to that necessity of supporting the authority of the law which was the only condition which could justify a Bill of this description. He trusted such remarks would not again be made. He would not say one word in reply to the insinuations which had been thrown out against himself, as if all that had been done had been done for his own personal advantage, and not from a sense of public duty. He appealed to the House and the country to look at a long life spent in the public service, and let that decide whether he, and those who acted with him, were not above the reach of such imputations. He would say no more, except again to express his satisfaction at the tone and manner in which the noble Duke had recommended them to consider the subject fairly and dispassionately, to lay aside every consideration but those which the public good required, and in canvassing the provision of the Bill, to consider only the necessity which demanded such a measure. It was only by following the recommendation of the noble Duke, that the Bill could be properly discussed. He would not say more, but that in the Committee he should be happy of the assistance of the noble Duke to make the Bill effective for its purposes, so as to make its duration as short as possible, in the hope that by it public peace in Ireland and the authority of the law would be restored.

Bill read a second time.

HOUSE OF COMMONS,

Monday, February 18, 1833.

MINUTES.] Papers ordered. On the Motion of Mr. HUME, all Sums rated by the Commissioners of Sewers, in the South and East Division of the County of Middlesex, from the 31st of December, 1830, to August, 1832.—On the Motion of Mr. Alderman WOOD, Accounts relative to Distillation, in Great Britain and Ireland.—On the Motion of Mr. O'CONNELL, the Number of Churches in each Benefice in Ireland, and the Number of Persons charged with Criminal Offences, committed to the different Gaols in England and Wales.—On the Motion of Sir THOMAS FREEMANLE, the Number of Prisoners indicted and tried at the last Michaelmas and Epiphany Quarter Sessions, for each County in England and Wales; for Offences which, prior to the Acts 2nd and 3rd, William 4th, cap. 34, 62, and 125, would have been Capital Felonies.—On the Motion of Mr. WOLRYCE WHITMORE, an Account of the price of Corn, Grain, and Flour, and of the quantities imported of each sort into Great Britain, in the year ending 5th January, 1833.—On the Motion of Mr. SHAW, the Number of Offences, against the Law committed in Ireland during the years 1831 and 1832.—On the Motion of Mr. SPRING RICE, a comparative Abstract of the two last Population Returns made in Ireland.

Petitions presented. By Mr. EWART, from Liverpool, for a National Plan of Education.—By Mr. MORGAN O'CONNELL, from Navan, for a Repeal of the Union with Ireland.—By Colonel LEITH HAY, from Elgin and Banff; by Mr. ANDREW JOHNSTON, from Dundee; and by Mr. DUNCOMBE, from Askham-Richard,—for the Better Observance of the Sabbath.—By Mr. GODSON, from Kidderminster; and by Sir JOHN KEY, from the City of London,—against the Assessed Taxes.—By Lord ASHLEY, from Idle,—in favour of the Factories Regulation Bill.—By Mr. DUNCOMBE, from the Bailiffs and Burgesses of Scarborough, complaining of certain Allegations contained in a Petition presented to that House by an Hon. BARONET.—By Mr. HARLAND, from Durham, against Slavery; and by Mr. STRICKLAND, from the Protestant Dissenters of Eccleshill, Yorkshire, to the same effect.—By Mr. W. WILLIAMS, from several Places in the County of Monmouth, for the Abolition of Tithes.—By Mr. O'CONNELL, from the Roman Catholic Clergymen of Navan, against the proposed Coercive Measure against Ireland; and from the National Political Union of Ireland, against the Vestry Act.—By Mr. MATTHEW HILL, from Robert Franks,—for an Inquiry into the Merchant Tailors' Company.—By Mr. FENTON, from Rochdale, for the Abolition of the Protestant Hierarchy in Ireland.

REPEAL OF TAXATION.] Mr. Fryer presented a Petition from the town of Wolverhampton, praying for the Repeal of the Assessed Taxes, in the prayer of which Petition he entirely concurred. He was sorry, that in answer to the question put to him last week upon the subject, the noble Lord (the Chancellor of the Exchequer) signified his inability to state whether there would be any reduction of the taxes until the expiration of the present quarter. In his opinion, the noble Lord and his colleagues should have, in the first place, effected considerable retrenchment, and a large reduction of the public expenditure, before they met the present House of Commons. He thought that not only the Assessed Taxes, but the duties upon malt, upon hops, soap, cotton, and wool, should be at once repealed. He

did not mean, that those taxes should be taken off without supplying their places. The fundholder, for instance, should be taxed, he would tax him to the amount of 6s. 8d. in the pound. He would tell his Majesty's Ministers, that if they went on in the old way the voice of the country would not be with them, and of this he was certain, that the Reform Bill would be a complete mockery, unless the reductions he had mentioned should at once take place. The distress of the country was infinitely increased by the wicked, abominable, and infamous tax upon bread—a tax which was maintained to support the monopoly of the landholders against the people. That and many others might be reckoned amongst the blessed consequences of the working of that infamous and iniquitous measure, Peel's Bill. If he had heard the least promise of retrenchment—if he had seen the least prospect of good from his Majesty's Ministers, he would not have said a word upon this subject; but it was because he was sorry to find that there was little or nothing to be expected from them, that he had felt it his duty to state his sentiments thus plainly and unequivocally.

TAXED CARTS.] Sir Hyde Parker presented a Petition from the inhabitants of the hundred of Berbergh, Suffolk, complaining of having, in consequence of the last Act on the subject, which professed to be a mitigation of the tax on taxed carts, been taxed for the first time, and praying for a repeal of the tax altogether.

Mr. *Hume* observed, that when the Bill of last Session was in progress in the House, he had expressed his opinion that some such consequence would result from it. A number of surcharges had been made, and numerous complaints had been communicated to him, of which he had given information to the Treasury. The effect of the Bill was to tax many individuals who had not been taxed before. They were, in most instances, persons eminently entitled to relief; but it was impossible to relieve them as the Act stood.

Lord *Althorp* said, the case was this. The Bill of last Session took the half of the old tax off from carts which were used by their owners, for the mixed purpose of the conveyance of themselves and their families, and the conveyance of goods to and from market. Formerly, if a cart

were employed for anything but the carrying of goods to and from market, the owner was liable to a heavy tax; but there were several parts of England where the tax had been customarily evaded. In those places, the Act of last Session, instead of operating as a relief, had a directly contrary effect; for the officers of the revenue had, upon its passing, immediately called upon the parties for the half-duty, which they certainly felt to be a hardship. In other parts of the country where the old law had been strictly obeyed, the new measure operated as a relief.

Mr. *Baring* said, that although the measure of last Session had been intended as an act of grace, in practice it had in various cases operated injuriously. He hoped the petitioners would have some relief.

Mr. *Spring Rice* observed, that the Act of last Session had operated as a greater relief than had been stated; for the employment of the cart under the old law for anything but the conveyance of goods had sometimes occasioned the Horse Duty to be levied on the horse, and the Manservant Duty on the driver, making a charge of 11*l.* instead of 1*l.* 10*s.* The Bill of last Session had but two clauses—the one reducing the tax on carts used for the double purpose of market and family conveyance, from 3*l.* 5*s.* to 1*l.* 12*s.* 6*d.*; the other containing all the previous exemptions.

Petition to lie on the Table.

SUPPLY—STAMP DUTIES.] Lord *Althorp* moved the Order of the Day, for receiving the Report of the Committee of Supply.

Mr. *Cobbett* said, he proposed to submit to the House—as that, he believed, was the proper time for so doing—certain Resolutions which he had prepared respecting the grievances of the people, more especially relating to the undue pressure of taxation upon them. He would not attempt to tell them of what their ancestors did to obtain a redress of grievances before they granted supplies—he would not enter upon that—it was antiquated, and it was out of the question just then; but it was his duty, aye, he said it was his duty not to suffer that House of Commons to grant any supplies until he had been permitted to state certain grievances under which the people of this

kingdom laboured, and until he had been permitted to show, as he would very clearly show, that the nobility, and clergy, and landed gentry of England, Scotland, and Ireland, were the most unjust body of men that ever lived on the face of the earth.—[*Laughter and partial cheers.*] They might laugh; oh yes, they might laugh; it was very well to laugh with the people's money in their pockets. “Laugh (said he), while you may: and laugh, when I have done, if you can.” They might laugh for a time, if they only permitted him to state, and he would do it very shortly, a little part of the grievances of the people; and if when he had done they could feel satisfied, they might laugh still. In order that he might not be mistaken in his statements—for it was very necessary, indeed, not to be guilty of errors in such important matters, and in order that they might be more impressed upon hon. Members of that House—he had been very particular in preparing his facts, and had put them down on paper. He should not occupy them with trifling matters. The chief points on which he intended to engage their attention were comprised in two Acts of Parliament—the Stamp Duties' Act and the Auction Duties' Act. If ever partiality, injustice, and cruelty had been exercised towards any people, greater than was visible in those Acts, he would be content to forfeit any pretensions he might have to the possession of common sense. The 55th George 3rd, repealing other Acts previously enacted, made certain provisions, and fixed certain duties—exactions on stamps—and they would find, if they attended to his statement, that the nobility, clergy, and landed proprietors had taken care every where to be almost wholly excused from the burthen which fell with a most heavy hand on the middle and working classes, increasing in proportion as it reached the poorest. Men might laugh—let them laugh—but was that the way to conciliate the people? The hon. Secretary for Ireland said, the other night, that the Government must be feared before it was loved. That was his philosophy; but it was different from the philosophy of some men, and very different from his (Mr. Cobbett's). Hatred generally accompanied fear, except with regard to certain objects; and the experience of all told them the love always preceded the fear. His Majesty's Minis-

ters, however, did not approve of that philosophy, and so acted in opposition to it; they wished to be feared before they were loved, and they would soon see how it would end. However, he was going to lay a statement before them which was not much calculated to excite the love of the middle and working classes towards those who called themselves the higher orders. What he referred to was cap. 184 of the 55th of Geo. 3rd, which was passed on the 11th of July, 1815, for the purpose of imposing certain duties on stamps, amounting annually, in the aggregate, to 7,000,000*l.* and upwards, and, including the cost of collection, to about 8,000,000*l.*, of which the nobility, clergy, and gentry paid hardly anything. The utmost care was taken in preparing the Act, that the higher classes, as they were insolently styled, should have to contribute but a very small share; and it had been managed so as to make the tax heavier and heavier, as the payer became more and more poor and needy, on the poor and needy; so that the rate per cent of the duty charged upon the respective sums increased in accordance with the decreasing amount of the property. If it had been made out for the express purpose of degrading the industrious and working people—if it had been prepared with the specific intention of ruining the small proprietors—if it had begun, “Whereas, it is expedient, that the number of persons most deeply interested in the welfare of the kingdom should be diminished—that the little proprietors should be ruined or made to detest the larger ones, be it therefore enacted,” &c. &c., it could not have been more efficiently framed for the purpose; and it had fully answered its purpose; for, in this whole world, there was not a body of men more cordially detested. Again, he said it was well for them to laugh—oh, it was very well, for they had the money in their pockets. Now by this Act various duties on legacies and on property coming by intestate succession were imposed, beginning at one per cent, and going on to ten per cent, but all freehold property was wholly exempted; and, therefore, from this tax, which was on an average three per cent on all other property in the kingdom, the estates of the nobility and landed gentry were free, while, if the father, the mother, the child of the fundholder, the tradesman, farmer, or other person be-

queathed property, that property, if by will, bore a legacy duty of from one to ten per cent. Thus a brother, who had a thousand pounds left him by a brother, had thirty pounds to pay, and a distant relation of the deceased had, on a legacy of the same amount, to pay 100*l*. This too, while freehold property was exempted! Yes, they must recollect this was while the rich man was let off free. Now where was the justice of this? Could the land-owners of England—could these men look the rest of the people in the face while such a law was allowed to remain on the Statute-book? On what ground was this monstrous injustice committed? Would any Gentleman tell him? Why, it was on the ground of power—the framers of this Act had the power, and, therefore, they committed this very great iniquity. And they would continue such acts as long as they had the power to try the people of this country by courts-martial. And now for the probates of wills and letters of administration. He would beg the House to mark the scandalousness of this provision. By this very wicked act, if the deceased left property above the value of twenty pounds, his successors had to pay a stamp duty of ten shillings—that was to say, at the rate of two pounds per cent on the value of the property; but if the party dying left by will any sum from 30,000*l*. to 500,000*l*., the duty was only one pound ten shillings per cent, and in this case all freehold property was again exempted. They might laugh—let them laugh. But would the nation laugh, would the people laugh? A certain hon. Baronet, not then in his place, challenged him the other night to bring forward his plans, and had challenged him to bring forward what the hon. Baronet called his (Mr. Cobbett's) magnificent plans for alleviating the miseries of the people. He must say, that he had no grand plans—he had no magnificent plans, except the magnificent one of making certain people pay up their arrears, and do justice to the country. He asked justice for the people, and for himself amongst the rest. Why, if justice had been done when that hon. Baronet came to his estates, thirty years ago, 60,000*l*. would have been paid by him to the country for probate and intestate succession duty; if the hon. Baronet had been taxed as he knew pretty well his children would be, that sum would long since have been

applied to public uses. That hon. Gentleman had charged him—and very wrongfully so—with having exaggerated; he did not exaggerate at all. These exact-ions—these monstrous and cruel disproportions between the rich and the poor—were intolerable, and must, in the end, be productive of fearful results. They made the people vindictive, and must finally induce them to detest their wealthier neighbours. He would proceed to conveyances. The duty upon a thing of five pounds value, and under twenty pounds, was ten shillings; and the duty on a thing of a 100,000*l*., or any sum above that, was a 1,000*l*. so that in the latter case it was less than ten shillings per cent on the value of the thing conveyed, and in the former case, if of five pounds value, it was 200*s*. per cent on the value of the thing conveyed. Thus the poor man paid twenty times as much tax as the rich man on precisely the same sort of property; and the weight of the duty went on increasing from ten shillings per cent to 200*s*. per cent, exactly in the proportion that the value became smaller and smaller in amount. Thus the poor were taxed, while the rich went scot free. They might laugh—with their pockets full of the people's money they could laugh. Who passed that Act of Parliament? They were the worthy nobility and gentry of this boasted free country. And yet they found fault with the Jacobins, as they called them, for not adoring the privileged orders. In leases, where the yearly rent was five pounds, the stamp duty was one pound, or twenty per cent; but where the yearly rent was a 1,000*l*., the stamp duty was ten pounds, or one per cent—and thus this tax went on from 400*l*. a-year rental to 5*l*. a-year rental, getting heavier and heavier, but increasing in the small rentals in a disproportionate degree. This was a monstrous injustice! What would be said of it? Oh, 'twas not known—it was done in a hurry—late, perhaps, at night. Then they ought not to work by night—let them work by day, and do their business properly and carefully as it ought to be done. In the case of mortgages and bonds, and securities of every description, if, for instance, the amount of the mortgage were 25*l*., the stamp would be 1*l*. or 80*s*. per cent; but if the amount of the mortgage were 20,000*l*., the stamp would be 20*l*., or 2*s*. per cent, the poor man thus paying forty times as much tax as the

rich man. The stamp in this case was no more if the amount of the mortgage were 100,000*l.*; which compelled the poor man to pay 200 times as much as the rich one—the tax increasing in weight as the taxed person became poor. Why! were they honest men that passed such a law as this? Were they not persons professing themselves to be gentlemen—persons of high blood—men of lofty minds as they called themselves? Was not this monstrous injustice done by those who called themselves “the education of the country?” There was magnificence—there was justice! In respect to annuities, if the annuity were for 10*l.* or under, the stamp was 1*l.*; and so, in due proportion, an annuity of 2,000*l.* ought to pay a stamp duty of 200*l.*; but, instead of that, it paid only 25*l.*; and if the annuity were for 10,000*l.* or any greater amount, it still paid 25*l.* only—the same shameful disproportion as before detailed being observable throughout. And yet this was passed in England—the land of charity—of justice—of benevolence! Call this charity—call this justice, indeed! Why, the clergy of England ought to have preached against it constantly and devoutly for the last seventeen years from their pulpits. That was what they ought to have done. Then they would have been of some use. Then the good people of Rochdale would not have petitioned, as they had that night, for the total abolition of the Protestant hierarchy. With regard to promissory notes and bills of exchange. If not exceeding two months after date, and for the sum of 40*s.* or not exceeding five guineas, the stamp was 1*s.*; and in the same proportion the stamp on 3,000*l.* ought to be 28*l.* 11*s.*; but it paid only 15*s.* whilst for any higher sum the stamp was no more than 1*l.* 5*s.*, instead of being, on 10,000*l.* 95*l.* 4*s.* Thus, in the former case, the poor man paid nearly 1*l.* per cent, and the rich man 3*d.* per cent, and so on. In bills of a longer date than two months, the partiality was still greater, weighing still more heavily on the needy man. It is curious to observe here, what a fellow-feeling these high-blooded lawgivers have everywhere had for the rich; for the hulky Jews, or pretended Christians like Jews—no matter how blasphemous; no matter how base the origin; no matter how infamous the means by which they have raked the money together; if they have but great heaps of money, they are

sure to be favoured by this aristocracy. How could such monstrous injustice be enacted? At first he was disposed to put it to the account of night-work—of inebriety—for he could hardly think, that noblemen and gentlemen would be guilty of such unworthy leaning to their own interests. In the case of insurance of lives, where the sum insured amounted to less than 500*l.*, the stamp was 1*l.*; if to 500*l.*, to 2*l.*; if to 5,000*l.* or upwards, 5*l.*—so that the man who insured 10,000*l.* paid only 1*s.* per cent, while he who insured for less than 500*l.* paid 6*s.* 6*d.* per cent—the man of scanty means paying nearly seven times as much as the man of wealth. As to receipts. If the sum were for 2*l.* the stamp was 2*d.*, if for a 1,000*l.*, 10*s.*, when in due proportion it ought to be 8*l.* 6*s.* 8*d.* The poor man here paid more than sixteen times as much tax as the rich man, and if the sum went on to a 100,000*l.*, or a 1,000,000*l.*, the stamp was still only 10*s.* For any sum, too, expressed to be in full of all demands, whether for 2*l.* or a 1,000,000*l.* the stamp was always 10*s.* So that it might be fairly said, that the poor man in such a case paid a thousand times as much as the rich one. Next came the subject of appraisements. Here those who had the insolence to call themselves the higher orders had again the advantage, and they knew well how to keep it. No people surpassed them in that; and it appeared to him that this high-blooded nobility and their clergy surpassed even the Jews in greediness and low cunning. The stamps on appraisements offered them another advantage. They could not miss that. The stamp on an appraisalment not amounting to 50*l.*, was 2*s.* 6*d.* If the things appraised amounted to 500*l.* in value, the stamp duty was 15*s.*; but if they amounted to more than 500*l.*, as they frequently did to 5,000*l.* and sometimes even to 500,000*l.*,—nay, if they exceeded that—though the amount was a 1,000,000*l.* of money or more—the stamp duty was but 1*l.* They heard that, and could they know that such had been the fact? He hoped that they who had heard this statement had not participated in making the law, and he hoped they would not participate in keeping it in force. What! make the poor tradesman pay, as in this instance he did, nearly forty times as much on the sale of his furniture, as the nobleman did on the sale of

his estate?—while the tax on corn, too, was kept up to maintain the high value of his estate at the same time. He now came to another part of the subject. He did intend—and his hon. colleague knew that such had been his intention—to make this representation privately to the Chancellor of the Exchequer. If he had seen any marks of an intention on the part of the Government to do anything for the people, he should not have moved this resolution. But he saw no such intention. On the contrary, he saw an intention to keep in force all the bad measures, and not to take off one farthing of the taxes; and therefore it was, that he made this exhibition of these crying wrongs, inflicted on the people by this unjust and mean nobility, clergy, and landed gentry. He saw in the Ministry a resolution—a determination—to carry through and enforce every measure, even at the point of the bayonet; and therefore he brought this matter under the consideration of the House. He now came to a part of this abominable Act—and, till he did come to it, he almost believed that a great part of those who passed it did not know what they were doing. He saw an hon. Gentleman take up the book, to see if his statements were correct. The hon. Gentleman would find nothing in it contrary to what he had stated. But, however, as it was terribly wicked to be out one word in quoting an Act of Parliament, he would read the part. Till he came to that part of the Act, he thought they had overlooked the nature of the Act they were passing; yet still it was very strange that, by accident, they should make laws for the rich, and against the poor in every instance. He was glad, however, to say, that there was one part where they were perfectly impartial. In that part, the taxation went on decreasing in degree, from the rich down to the poor. What was that part? It was in the duty upon indentures—on apprentices' indentures, in which case all the parties were tradesmen—there were no sons of noblemen, nor sons of baronets, nor of ministers of State, nor of parsons, who were apprentices. "Oh! certainly; do take care not to let the poor pay as much as the rich." That was in apprenticeships where the amount of duty went on regularly increasing with the amount of the premium, till it reached 1,000*l.*, and they supposed, of course, that there would not be any premium above 1,000*l.* They

were just in that case, and he had to thank them for being so. But why did they not observe the same rule in other cases, where they themselves were concerned? They did not, in cases where they were to be affected, as the owners of estates. They showed there, at least, that they understood something about Cocker, as an hon. Baronet had told his fellow-parishioners. An hon. Gentleman, in presenting a petition from Wolverhampton against the Assessed-taxes, had called that a tax of wicked partiality. They had shown that partiality in this Act. At last, after laying taxes on every body else, there was one matter of relationship which they had not forgotten, which they had put at the end of the Act, and which was a total exemption from the operation of the Act, upon all bonds, contracts, mortgages, conveyances, deeds, and instruments whatever, exempted from the Stamp-duty. "And for what, think you? Why, for building, repairing, or purchasing, houses or other buildings. And for whom, think you? Why, for the beneficed clergy!" Would the Reformed Parliament sanction that? Would they? Would they? Then, if they did, let them go afterwards, if they dared, and look their constituents in the face. He should now go to another part of the Act, and there he should show them the ingenuity used in framing it. It was said, that the country Gentlemen were lubberly jolterhead fellows; but see how careful they were here! They looked after the timber and underwood—their lands and tenements—so closely, that one might think they were tied to the trade of a grazier, or butcher, or timber dealer. An auction duty of 7*d.* in the pound was imposed on the amount of the sale of any "freehold, customary copyhold, or leasehold lands, tenements, houses, or hereditaments, and any shares in the capital or joint stock of any corporation, or chartered company, and of any annuity or sums of money chartered thereon; and of any ships or vessels, and of any reversionary interest in the public funds, and of any plate or jewels." Tradesmen had no plate and jewels; and so plate and jewels were to pay 7*d.* in the pound on their value; but, in all other things, tradesmen and farmers, reduced by poverty to sell their furniture—these people, who could least afford it, were to pay 1*s.* in the pound; while the "careless and generous" nobleman who made the laws, was to

pay, if he sold his property, 7*d.* in the pound—all the rest of the people were to pay 1*s.* But was that all? Far from it. There was a duty of only 2*d.* in the pound (value) on wool sold at any auction, provided it was so sold for the benefit of the growers or first purchasers; but if it came from Hampshire to London, and sold, or was carried thence down to Yorkshire, and then sold, it became liable to an auction duty of 1*s.* in the pound. Every thing was thus basely partial in this law—everything in it was mean and dirty! And was this the work of the high-blooded nobility? That was not all; no, nor half; for there was, besides what he had already mentioned, a total exemption from auction duty of several other things, which he should now mention—"all goods distrained for rent, or for non-payment of tithes." Aye, aye, goods so distrained belonged to the lord or the parson; the tax must not touch them. There might be a tax on the farmer, who was obliged to sell his stock; but not on the lord, when the lord took that stock for rent. In the next place, he called on them to mark the atrocity of this—yes, the atrocity—for it was impossible to use words strong enough to characterize it. All sales by auction for letting of lands and tenements, for lives or years, to be created by the person on whose account such auction should be held, were exempted from the auction duty. So were all sales of woods, coppices, produce of mines or quarries, or materials for working the same; or on the sale of any cattle, and live or dead stock, or unmanufactured produce of land, so long as such sale of woods, coppices, produce of mines or quarries, cattle, corn, stock, or produce of land be made, whilst they continue on the lands producing the same, and are sold for the benefit of the owner of such lands, or proprietor of such mines, or their agent. Did they mean to sit there, and represent that such laws ought still to continue in force? Were they the friends of the people, if they could bring themselves to declare that they would not look into this matter? Such were the facts of the case. Comment or advert on them he should not; for it would be impossible to make any observations stronger than were the facts themselves. What ought the House to do, then, if this state of facts were true? Hon. Gentlemen would have time to look into these acts, and see whether he was not right. There

ought to be a Committee of the House to take into consideration these grievances—they ought to tell the people that at least they would look into these grievances. Let them tell the people so now. He would try them now. He should conclude with moving a series of resolutions, of which this was the last—"That on the 1st of March, this House will take into consideration the nature, tendency, and effect of the several Acts of Parliament which impose taxes on stamps, and on things sold by auction." All he asked, then, was to take these things into consideration. He would divide the House on the Motion—he certainly would do that and let the people see how many there were who were for taking these things into consideration. He did not want them to pledge themselves now, that they would repeal, or even modify these taxes; he only wanted them to say that they would take the matter into consideration. They must be satisfied that these laws were unjust—that they were most cruelly oppressive—that the rich, the noble, the landed, had long had the benefit of these laws, to the injury of the industrious classes; and that if that had not been the case, not one half of what we were now paying in taxes would have been necessary. That was capable of proof; Cocker would tell them that. There had been a proposition by one of the Ministers to take thirty per cent from the fundholders; but there would have been no need of that, if they who had so long had the benefit of these unjust laws had been pressed to pay up their arrears of taxes. If any noble Lord or hon. Baronet had escaped paying taxes, that, in thirty years, amounted to 60,000*l.*, the people had suffered from that; for the Government had borrowed that amount of money, which it need not have done if the taxes had been fairly levied on the noble Lord or the hon. Baronet. If an hon. Baronet made a sale of coppice and underwood to the amount of 10,000*l.*, on which he ought to have paid a duty, as poorer people paid it on the sale of their property, and he did not pay it, why, he got money into his pocket which ought not to have been there, but which ought to have been paid into the Treasury in due time. If that had been done, there would not have been any project to take thirty per cent without indemnification from the fundholder, while pensions, places, emolu-

ments, and the whole mass of plunder remained as they were. The hon. Member concluded by moving the following resolutions:—

Resolved—That, by the Act of Parliament, passed on the 11th of July, 1815, being chapter 184 of the fifty-fifth of George 3rd, imposing certain duties on stamps, amounting annually, in the aggregate, to upwards of seven millions a-year, the utmost care has been taken to exempt the nobility and great landed proprietors from bearing any but a very small share of the burthen; and further, to make the tax heavier and heavier, in proportion to the smallness of the amount of property on which it is levied; so that each tax goes on, pressing heavier and heavier, from the very rich down to the very poor, as will clearly appear by a reference to the letter of the said Act.

That, by this Act, various duties on legacies, and on property coming by intestate succession, are imposed, applicable to different degrees of relationship between the legatees and the successors, and the deceased; beginning at one per cent, and going on to ten per cent; but that, from these duties all freehold property is wholly exempt, and, therefore, from this tax, which is, on an average, about three per cent, on all other property in the kingdom left by will, or coming by intestate succession; the estates of the nobility and landed gentry (including the advowsons and lay-tithes) are exempted; while the father, the mother, the child of the fundholder, the tradesman, the farmer, or other person bequeathing personal property, has one per cent. to pay on the amount of the legacy or intestate succession, while a brother who has had 1,000*l.* left him by a brother, has 30*l.* to pay on this duty, and while a distant relation of the deceased has, on a legacy of the same amount, to pay 100*l.*

That, in regard to probates of wills and letters of administration, if the deceased leave property above the value of 20*l.*, his successors have to pay a stamp duty of 10*s.*—that is to say, at the rate of 2*l.* per cent. on the value of the property; but that, if the party dying leave by will any sum from 30,000*l.* to 500,000*l.*, the duty is only 1*l.* 10*s.* per cent.; and that, in this case again, all freehold property is exempted.

That, in the case of conveyances of all sorts, the duty upon a thing of 5*l.*, or on anything under 20*l.* value is 10*s.*; and the duty upon a thing of 200,000*l.* value, or any sum above that, is a 1,000*l.*: so that, in the latter case, it may be less than 10*s.* per cent on the value of the thing conveyed; and in the former case, if of 5*l.* value, it is 200*s.* per cent. on the value of the thing conveyed; and thus, in this case, the poor man pays twenty times as much tax as the rich man on precisely the same sort of property, and under the same Act of Parliament; and that, as the Act will show, the weight of the duty goes on increasing from

10*s.* per cent to 200*s.* per cent, exactly in the proportion that the value of the property becomes smaller and smaller in amount.

That, in the case of leases of lands, tenements, &c., where the yearly rent is 5*l.* the, stamp duty is 1*l.*, or twenty per cent; but where the yearly rent is 1,000*l.* or any sum above that, the stamp duty is 10*l.*, or one per cent; and that tax goes on, from 400*l.* a-year rental to 5*l.* a-year rental, getting heavier and heavier, but increasing in the small rentals in a most disproportionate degree.

That, in the case of mortgages, bonds, and securities of every description, if the amount of the mortgage, for instance, be 25*l.*, the amount of the stamp is 1*l.*, or 80*s.* per cent.; but if the amount of the mortgage be 20,000*l.* the amount of the stamp is 20*l.*, or 2*s.* per cent: that, in this case, the poor man pays forty times as much tax as the rich man; and that the stamp is no more if the amount of the mortgage be 100,000*l.*: so that, in a case like this, the poor man pays two hundred times as much tax as the rich man; and that, in this case, also, the tax goes on increasing in weight as the taxed person becomes poor.

That, in the case of annuities, if the annuity be for 10*l.*, or under, the amount of the stamp is 1*l.*; and that, in due proportion, an annuity of 2,000*l.* ought to pay a stamp duty of 200*l.*; but, instead of that, it pays a stamp duty of only 25*l.*; and if the annuity be for 10,000*l.*, or any greater amount, it still pays a stamp of only 25*l.*; so that here the poor man pays forty or fifty times as much tax as the rich man; and that, in this case also, the tax goes on getting heavier and heavier as the parties become more and more poor.

That, in the case of promissory notes and bills of exchange, not exceeding two months after date, if the sum be 40*s.* or above 40*s.* and not exceeding 5*l.* 5*s.* the stamp is 1*s.*; and, in the same proportion, the stamp on 3,000*l.* ought to be 28*l.* 11*s.*; but that it pays only 15*s.*; and that for any higher sum the stamp is no more than 1*l.* 5*s.* instead of being, on 10,000*l.*, 95*l.* 4*s.*; and that, therefore, in the former case, while the poor man pays nearly one pound per cent., the rich man pays sixpence per cent.; and, in the latter case, while the poor man pays nearly one pound per cent.; the rich man pays 3*d.* per cent.; and that, therefore, in the first case, the poor man pays forty times as much as the rich man; and, in the latter case, nearly eighty times as much as the rich man: and here, as in all the former cases, the tax becomes heavier and heavier, as the tax-payer becomes poorer and poorer; and that in bills of a longer date than two months, the partiality is still greater, and weighs still more heavily on the needy man.

That, in the case of insurance of lives, where the sum insured amounts to less than 500*l.* the stamp is 1*l.*; that, if it amount to 500*l.*

the stamp is 2*l.*; that, if it amount to 5,000*l.*, or upwards, the stamp is 5*l.*; so that the man who insures 10,000*l.* pays only one shilling per cent.; while he who insures for less than 500*l.*, and suppose that to be 300*l.* pays six shillings and eight pence per cent.; and thus the man of scanty means pays nearly seven times as much as the man of wealth.

That, in the case of receipts, if the sum be 2*l.*, the stamp is 2*d.*, if the sum be 1,000*l.*, the stamp is 10*s.*; when, in due proportion, it ought to be 4*l.* 3*s.* 4*d.*, that thus the poor man pays more than eight times as much tax as the rich man; and, if the sum go on increasing to 100,000*l.* or 1,000,000*l.* still the stamp is only 10*s.*; and that for any sum expressed to be in full of all demands, whether it be for 2*l.*, or 1,000,000*l.*, the stamp is always 10*s.*; so that, in this case, it may be fairly said, that the poor man pays a thousand times as much tax as the rich.

That, in the case of appraisements not exceeding the value of 50*l.* in the value of the thing appraised, the stamp is 2*s.* 6*d.*; that, if the thing appraised exceeds 500*l.* in value, though it amount to a million of money or more, the stamp is but 1*l.*; so that here the tax falls almost wholly on persons in the middle rank of life, and the estates of the nobility and landed gentry are all nearly exempt; that an estate of the value of 100,000*l.* ought to pay an appraisement stamp of 250*l.*, instead of the 1*l.* which it now pays; so that here the people in the middle rank of life pay, in many cases, two hundred and fifty times as much as the rich.

That, with regard to apprenticeships, the parents of a poor boy, who give no premium at all with him, have 2*l.* to pay for the indentures and the counterpart; that in this case, however, where nobody but tradesmen are concerned, the stamp goes on gradually and fairly from 30*l.* to 1,000*l.*; a premium under 30*l.* paying 1*l.* stamp, and 1,000*l.* paying 60*l.* stamp; because, in this case, the nobility, clergy, and landed gentry are not concerned; and here we observe, that, while the poor boy's parents are thus taxed, the duties on settlements made by the rich pay only a 25*s.* stamp on 1,000*l.*

That there is a total exemption from this stamp-tax for all bonds, contracts, mortgages, conveyances, deeds, and instruments for making provisions for building, repairing, or purchasing houses and other buildings for the benefited clergy on their benefices.

That, by several Acts of Parliament, ending with 55 George 3*rd.*, chapter 142, which Acts impose duties on things sold by auction, a duty of 7*d.* in the pound is imposed, in Great Britain, on the amount of the sale of any interest in possession or reversion, in any freehold, customary, copyhold, or leasehold lands, tenements, houses, or hereditaments, and on any share or shares in the capital or joint stock of any corporation or chartered

company, and of any annuities or sums of money charged thereon, and of any ships and vessels, and of any reversionary interest in the public funds, or of any plate or jewels; but that, on all sales of furniture, fixtures, pictures, books, horses, and carriages, and all other goods and chattels whatever, there is a duty of 1*s.* in the pound: while on wool, sold for the benefit of the land-owner or his tenant, or the first purchaser, the duty is only 2*d.* in the pound; and that, from this duty, all sales of goods distrained for rent or tithes, and all sales of leases of lands or tenements, and all sales of woods, coppices, cattle, live or dead stock, and all unmanufactured produce of land, and of all produce of mines, when the sales are made on the lands or at the mines are wholly exempted, as well as all the produce of quarries, or of implements used in quarries, mines, or farms; and that thus, while every product of the hand of man has to bear this tax in almost a double degree compared with lands and tenements themselves, the produce of the land bears no part of this tax, which is thus shifted from the shoulders of the great and the rich, and made to fall almost exclusively on the middle and working classes of society.

That, on the first day of March next, this House will take into its consideration the nature, tendency, and effects, of the several Acts of Parliament, which impose taxes on stamps and on things sold by auction.

Mr. *Baldwin* seconded the Motion, which he thought was practically directed to obtain an advantage for the people. He trusted that the Government would direct their attention to these matters, and use their utmost endeavours to reduce some of the taxes that pressed heavily on manufacturing industry, among the chief of which he mentioned the duty on glass.

Lord *Althorp* said, that the cases alluded to by the hon. member for Oldham as cases of inequality in the Stamp-laws, and the duty on auctions, arose, in some measure from the Stamp-duties being divided into different classes; so that the proportion of one duty to another was not so accurately marked as it might have been. He admitted that when the property came to equal a large amount, the Stamp-duty was not so high as it would have been if the rate of increase from the lowest sums had been regularly continued. They were regular to a certain extent. The hon. Gentleman would find that, in every case of taxation, for instance, in the Assessed-taxes, when the amount became considerable, the percentage on which the taxes had been cal-

culated was diminished. As to what had been said about the duty on the transfer of freeholds, the hon. Member should recollect that the expense of conveying freehold property was greater than on the transfer of personal property. That was one of the reasons on which the amount of duty was small. Another ground was, that if the Legacy-duty on the landed property of the country was considerable, the whole of that property, in a little more than a century, would get into the hands of the Government. He was not answerable for Acts of Parliament passed in the year 1815; but he believed that what he had stated was then, and had been since, the reason given for the enactments in question. With respect to the Stamp-duties, ever since he had been in office, he had wished to bring them altogether under the consideration of Parliament. The bills on the subject were prepared; but he would leave hon. Members to guess how much was to be done, when he told them that 240 Acts required to be consolidated. There were eleven Acts to be passed; and he appealed to any hon. Member, especially if that hon. Member had had a seat in the last Parliament, whether, in the state of things that had existed within the last two years, it would have been an easy matter to pass eleven Bills through Parliament? He was not now under the same difficulties, and either himself or some other person connected with the Government would be prepared to bring the subject of the Stamp-duties under consideration. The hon. Member would then have the opportunity of discussing the difference of the scale of duties. He agreed, in some measure, with the hon. Member, that some of the duties on the lower sums were too high, and that some alteration was necessary. But he did not think, that such an alteration as the hon. Member seemed to want ought to be made; nor did he believe that the hon. Member himself, on a fuller consideration of the matter, and after hearing all that could be said, would entertain exactly his present opinions. He (Lord Althorp) should object to agreeing to the present Resolution, taking as it did the House by surprise: but he hoped and trusted that at another time, and in a more regular manner, the subject would come fairly under the consideration of the House. With respect to the matter mentioned by the hon. seconder, the

member for Cork, as to the taking off the Glass-duty, he had no hesitation in declaring that his wish had been, to take off the duty on that manufacture; but he was bound to say, that after the taxes which had been repealed, and considering the situation in which we now stood, he could not make any promise as to the removal of that duty. The hon. Member for Oldham had represented that the Stamp-duties pressed on the poorest classes of the people. On the poor, but not on the poorest, he admitted that they did [An *Hon. Member* said across the Table: Indirectly they press upon the poorest.] Why, it was impossible to invent any tax that directly or indirectly would not, press upon every class in the community. All must have that effect. He confessed, that if he had his choice there were others which bore more directly on the industry and comforts of the poor, that he should prefer seeing taken off. He did not suppose, if he went over the statement of the hon. member for Oldham, he should not find it correct as to the facts stated; but he must say, that he did not agree with that hon. Member in his inferences. It might be true, that the effect of these taxes was what the hon. Member had described it; but he could not agree that they had been imposed in an unequal manner with the view and intention of relieving the rich and pressing on the poor. If that was their effect it was most unfortunate; but he must think that the hon. Member had in some degree exaggerated the inequality and its consequences.

Mr. O'Connell said, it seemed to him that the case had been made stronger by the observations of the noble Lord than it had been left by the statement of the hon. member for Oldham; for the statement of the noble Lord had, in effect, shown that there were other taxes in which the same inequality existed. That inequality did oppress the poor. He could not agree with the noble Lord that the poorest class were not oppressed by these taxes, for every man who wanted to rent a tenement of 5*l.* a-year—and wretched indeed must he be who in England did not rent a tenement as good as that—every such man was oppressed by these taxes. Every lease of such a tenement—[An *Hon. Member* said, that leases were never granted of such tenements]. Indeed! then, what security could such

tenants have, that they would not be turned out at a moment's notice? But, at least, the poorest classes were directly oppressed by another branch of the Stamp laws, to which they must contribute if they wanted time to raise a sum, or to give security for a fellow-labourer, the tax pressed on them at once and directly. He hoped that the noble Lord would consent to a Committee; for to come and tell them that there were eleven Acts of Parliament, and that they should be brought in at some other time, was not affording that practical relief which the people of England were entitled to expect. All that was wanted was, a just apportionment of these taxes, and he did not yield to the objection to increasing the taxes on property. He wished, that the Motion had been drawn up in such a shape that they could divide the House upon it. He should suggest to the hon. member for Oldham to withdraw this Resolution, and bring it forward in another shape, and upon notice, so that every Member would be fully prepared to go into the subject.

Mr. *Hume* also recommended the hon. member for Oldham to pursue that course.

Mr. *Harvey* could not agree with the suggestion just thrown out for the adoption of the hon. member for Oldham, without at the same time taking the opportunity of saying, that during the six years he had sat in that House he had never heard a statement, and a motion in connection with it, so straightforward and practically useful as that submitted by the hon. member for Oldham. The hon. member had gone to the root of the evil, and in plain, unpretending language, advocated the interests of that class of the community which had heretofore scarcely found an advocate in that House. All civilized society depended on this great principle—that, however unequal the condition of parties might be, there should, at least, be equal law and justice for all. The hon. Member had proved that this was not the case. His Motion would work great good amongst the people. Unless Ministers were prepared to review the whole system of taxation, they must resort to the same measures of coercion in this country which they wished to apply to Ireland. When the hon. Member's resolutions should be read in every cottage, as he trusted they would, Ministers would find it impossible to stop the current of indignation which

they would excite. The hon. Gentleman concluded by saying, that he was satisfied the House required a stimulus to the performance of its duty.

Mr. *Robinson* thought it would be more easy to find objections in point of form to the Motion of the hon. member for Oldham, than to answer it in substance. He had called the attention of the House to this subject on several former occasions, and he was glad it was now again brought forward. He rose, from a sense of imperative duty, to inform the noble Lord, who was not blameable for this measure, that the species of answer given to the Motion would be anything but satisfactory to the country. In point of fact, these taxes pressed in the inverse ratio of the amount of property. The whole was founded on a most grievously unjust and impolitic system. He was surprised when he heard the noble Lord (whose acuteness he well knew) state that these taxes did not oppress the poor. He wished to suggest that, instead of having a Committee on the Stamp Acts, they should have a Committee upon the taxes generally. He asked the hon. Member for Oldham not to embarrass the proceedings of the House, by pressing his Motion to a division to-night. The reason for objecting to a Property-tax was quite evident, namely, that at present property was exempted, and those who owned it, would not, therefore, willingly consent to the impost.

Mr. *Cobbett* observed, that he should be guided in his course by that which he thought most conducive to the good of the country, without much regard to the convenience of the House, and none to the consideration of what might be for or against his own character. That mode which seemed most likely to lead to a beneficial result he should adopt. He wished to make two or three remarks on what had fallen from the noble Lord.

The *Speaker* intimated that the present was not the fit occasion, according to the forms of the House.

Mr. *Faithfull* hoped that the Motion would not be withdrawn, and contended that, even though it might be tinged with irregularity, the Reformed House of Commons would not allow itself to be bound hand and foot by technicalities. He especially entreated the Solicitor General to proceed with his undertaking, the object of which was, to break up the monopoly of the law, and to restore the reign of

reason and common sense, in the transfer of property. He trusted that the House, in its very commencement, would take such a course as would induce the people to place confidence in a Reformed Parliament, which alone could prevent anarchy and confusion.

Mr. Warburton called the attention of the hon. member for Oldham to the fact, that the House was only about to proceed *pro forma*, as regarded the supplies. He concurred in the principle of the Resolutions; and if they were now withdrawn, printed, and brought forward on a future day, he had no doubt they would receive fuller and more satisfactory attention than if they were now pressed to a division. By such a course many votes would be gained to them.

An *Hon. Member* suggested, that they should be separated, and that the proposal for inquiry should stand by itself.

Mr. Lloyd recommended the adoption of the suggestion of the hon. member for Middlesex.

Mr. Ruthven declared that, although he approved of the principle of the Resolutions, he would not thus hastily and prematurely vote for them.

Mr. Cobbett withdrew his Resolutions.

The Report of the Committee of Supply brought up.

COERCIVE LAWS FOR IRELAND.] On the question that the Resolution granting 3,000,000*l.* for the service of the year be read a second time,

Mr. O'Connell rose to address the House. Often as he had endeavoured to direct its sympathies towards the wrongs of his country, unhappy, ill-fated Ireland, he never felt so painfully anxious as at that moment. He would most carefully avoid all vehemence of expression—indeed he felt far too deeply to vent his feeling in mere vituperation. He had, on a former occasion, made use of the terms “brutal and sanguinary” in reference to the Address in answer to the Speech from the Throne; that Address having since obtained the sanction of that House, he would no longer apply to it the language of reproach. His present object was far other than attempting to characterize by strong language the proceedings of Ministers towards Ireland. No; the injuries were so deep, that to denounce them in mere abusive language would deprive grief of its dignity. He could wish to

address the House in reference to the threatened measures of Ministers so as to be known to belong to the country menaced, by his accent. He would speak, as he most certainly should feel it his duty to do, if Ministers threatened to deprive the people of England or of Scotland of the benefit of the laws, substituting in their stead the most iron and remorseless despotism. He would speak as he should feel if the liberties of Englishmen were threatened with destruction, as he should feel if outlawry were declared against the whole people of Scotland—as if either were about to be handed over, like his unhappy countrymen, to the tender mercies of two or three English military officers, provided they “have been two years in the service, and have attained the age of twenty-one.” In this comparatively tranquil temper would he address them, hoping to obtain the ear, in pointing out in their true features, in all their hideous deformity, the measures with which his country was threatened by the King's Ministers—measures to which a free-born Englishman must feel that death would be preferable, depriving him, as they would, of all the rights of one not born in the veriest slavery. Yes, though an Irishman—a mere Irishman—the iron of despotism had not so eaten into his soul, that he did not bitterly hate slavery, and dearly love liberty. As a lover of liberty he denounced the cruelty—the madness—the wickedness—of the policy pursued so long towards Ireland, and which it was now endeavoured to crown by a measure depriving it altogether of the protection of the British laws. He had been taunted by the right hon. Secretary for Ireland and another hon. Member, and the taunt had been loudly cheered, with having, by his speeches and writings, instigated meetings in Ireland, from the personal consequences of which he had ever shrunk. Never was there assertion more destitute of foundation in fact, and he had a right to expect that such would be the understanding of the House. All the great anti-tithe meetings were held, not only without his suggestion, but when he was actually absent from Ireland. Indeed, were he not absent from Ireland at the time, the more than probability was, that these meetings would not have been held at all, and, so far was he from being the originator of them that he would have undertaken to prove before the Committee

of Inquiry which he demanded the first night of the debate on the Address, that the suggestion of anti-tithe meetings originated wholly and exclusively from a friend of Lord Anglesey, and one who had received many marks of his favour. Then as to his shrinking from attending these meetings—no matter whence they had originated—why, the fact was, that he was in this country, full 300 miles from the nearest of them, and the Castle circular prohibiting them, after the issue of which not one was held, was in full operation before he left England on his return to Ireland. That showed the truth of the right hon. Secretary's taunt, and he mentioned the facts only as an appeal to the humanity of those who were so ready with their cheers whenever he was the object of calumny: but enough of self. He had said, he wished to invite their attention to the mad and wicked measures of coercion with which they were threatened in his unfortunate country. And, good Heavens! what a pretext was put forward by the individual who, in another place, was represented to have originated them. Was there a case made out with even the semblance of plausibility? Were they reasons worthy of a statesman to whom the destinies of a great people were intrusted? Reasons, did he say? Why, the drivellings of old doating senility—the ravings of antiquated womanhood—were more dignified than those gossiping stories so garrulously put forth as reasons for the measure he alluded to. They were told that the Ministers stood so well with that House that they could count on a strong majority; so undoubting was the confidence in the uprightness of their intentions that Ministers, who had already done so much for Ireland, would not seek for such extraordinary powers but with a view to effecting more good for that country. He could wish to see their claim to despotic power rested on their past doings towards Ireland. Let the House see what they had done. They had proposed two good measures—one of Church Reform, and one respecting Corporations. He was ready to admit, that so far as the abolition of the Church-cess went—the first of their measures was a boon to Ireland, but no further; besides that its beneficent operations would be wholly prospective, it relieved no other existing burthen connected with the monstrous Church Establishment, and it left the tithe-war where it now was—in

all its ignominious glory. It was true that he had met the announcement of the measure cheerily; he was not disposed to retract a letter of his approbation of its general tendency; it was too seldom that such opportunities of hailing measures of kindness towards Ireland were afforded him. He repeated, that the abolition of the Vestry-cess would be a boon to Ireland. He would go further, and say, that it would be a boon to a greater extent than the noble Lord (Althorp) himself had stated. The noble Lord had valued that cess at from 60,000*l.* to 70,000*l.* per annum, it was more; it was nearer to 80,000*l.*, and was certainly 70,000*l.* But how could the noble Lord, with such a fact staring him in the face, have rated the entire Church property in Ireland, with its thousands of acres, and its rehts, and its tithes, so low as from 700,000*l.* to 800,000*l.* per annum? What, only ten times more than the Vestry-cess? The supposition was absurd; so much so, that he need only thus point it out to prove its base delusion. But no other burthen or grievance would be relieved by the proposed Church Reform, and the war against the poor man's pigs and his tenth potatoe would not be even suspended by it. Then why, it might be asked, did he the other evening so warmly approve of it? Because it established a good principle—because it admitted what had been so often denied in that House and elsewhere, that the Irish Church Establishment was far too massive and costly for the wants, ay, the spiritual wants, of its members—according to the noble Lord, at least twice too large. Hitherto the monstrous abuses of that Establishment were bolstered up by the assertion of the spiritual wants of its members—that is, that the tithes and Church cesses and Episcopal rentals were justifiably collected, in order to reward those who ministered to those spiritual wants for their labours. But the noble Lord's measure recognized an admirable principle, from which he could not shrink—namely, that where there were no spiritual wants, there was to be no spiritual receiver of tithes and Church rentals, and he, therefore, hailed it with satisfaction; indeed, Ministers had already acted on that principle themselves: they had kept the vacant bishopric of Waterford just like a dummy hand in whist, not filled up by any actual person, and yet open to an occupant. Of course the spi-

ritual wants of the bishopric were not very pressing, otherwise they would not thus have made a dummy of it; and as there were no spiritual wants, of course there was no spiritual administrant to be rewarded. On this excellent principle of—no work no pay—the noble Lord promised them ten other dummies in the Irish Church; and thus the property of these ten do-nothings would be available to the purposes of the State. To say otherwise, and to maintain that the overplus Church property should be applied only to ecclesiastical purposes, was a fantastical assertion which every honest and intelligent man in either country would scout with scorn. Having made the admission of these excellent principles of Church Reform, they might invest their Ecclesiastical Commissioners with as many cobweb forms and injunctions as they pleased, that admission could not be eluded, and the measure would produce much more benefit (and he was anxious that this should be understood elsewhere) than might be apparent on the face of it. But if prospective benefits might arise from the measure, it did not afford any present relief to the distresses of Ireland. Would the wretched peasant have one potatoe more to eat, or would a day's more employment be given to the starving labourers of the present generation. Was there anything to mitigate existing suffering, or to conciliate towards a government the affections of a population driven to extremities by its misconduct? He entreated the noble Lord to look at the present turbulent state of Ireland. He would not enter into the measure of Corporate Reform for Ireland, though he was quite ready to give Ministers full credit for intended benefits. No man should find him stingy in his praise of anything which would promote his country's good. Before he proceeded further, he thought it but due to the right hon. Secretary for Ireland to declare, that he had heard his declarations the other evening of regard for Ireland with heartfelt satisfaction. He gave him full credit for their sincerity; indeed, the right hon. Gentleman's expressions were "music to his soul," and he begged the right hon. Gentleman to understand, that he should deeply regret if any expression directed against the statesman should have, for a moment, sounded like a want of courtesy, to the Gentleman. It was also but justice to the right hon. Gentleman to mention,

that the right hon. Gentleman had clearly fixed the responsibility of the policy pursued towards Ireland on the government of which he was only a Member, and that his colleagues were as responsible as he was; indeed, judging by what had since taken place elsewhere, more so. That declaration was but justice to the right hon. Gentleman, whom in future he would not hold more responsible for the acts of the King's Government than his colleagues. But to return to the measures of coercion with which Ministers threatened Ireland. The House might, perhaps, laugh at what he was about to calmly state concerning those measures, nevertheless he would not hesitate to declare, that he hoped to see the day when the head of the Government which had dared to bring forward such an outrageous violation of all law and justice would be made to answer for his conduct to the justly indignant Commons of the United Empire. It was for that House that evening to tell the Minister who had thus insulted a Reformed Parliament—and in a voice, too, that could not be mistaken—that a Reformed Parliament would not sanction the suspension of all law, and would indignantly spurn coercion where a peaceable and constitutional remedy was practicable. Such was the object he then proposed to himself, for he was much more anxious to elicit the sentiments of the English and Scotch Members respecting the proposed despotic policy towards Ireland of Ministers than express his own. He had been taunted there and elsewhere with thwarting the views of Ministers by premature and uncalled-for objections. He ought to have awaited, it was said, the promulgation of their measures, confident that a Reformed Parliament and an enlightened Press would not sanction any measure of unnecessary severity and unaccompanied by measures conciliatory and remedial of the grievances of Ireland. He was not angry that he had been thus taunted; indeed, he hailed it as a pledge that he should be supported on the present occasion. The supporters of the Address had distinctly stated, that by voting for it they were far from pledging themselves to unconstitutional measures of coercion. No, they were not pledges for drum-head courts-martial, for the suspension of the *Habeas Corpus*, for the Insurrection Act, and the other mild and constitutional measures of conciliation and remedy promised them by Ministers. Those who, in a spirit of loy-

alty, which even in its excess was to be respected, had voted for the Address did not pledge themselves to the measures of Ministers; and if they did not violently oppose the Ministers, they, at all events, had then the opportunity of calling upon them to halt in their mad and wicked career, by telling the noble head of the Government, that it was not so certain a matter that the people of England, speaking through their Representatives, would aid him in coercing Ireland into a state of utter degradation and slavery. They might tell the noble Lord to stay his despotic proceedings, because they were, moreover, quite opposed to the declarations of his colleagues [No]. No? Pray did the House forget the recent speech of the right hon. Secretary of the Treasury (Mr. S. Rice) when, after proving, in an elaborate speech, that Ireland was the most prosperous and flourishing country in the world, he ended with the "lame, and impotent conclusion," of an admission, that its population was in a state of the utmost poverty and wretchedness? The right hon. Gentleman on that occasion taunted him (Mr. O'Connell) with having on former occasions praised the Whigs, and yet now denounced them. But where was the inconsistency? Did it follow, that they should hold up to praise the feebleness of eighty, for the firmness displayed by the same man at forty. Because he had justly praised Ministers for their excellent Reform Bill—was he, therefore, not to reproach them for their atrocious policy towards Ireland? The right hon. Gentleman taunted him—and that was what he wished to direct the attention of the House to—with having, without any proof or foundation whatever, thus denounced their policy towards Ireland as atrocious—asking him, with a tone of triumph, was such an epithet applicable to men who had not done away with Trial by Jury in Ireland, or who had not suspended the *Habeas Corpus* Act? Pray how would the right hon. Gentleman himself answer the questions now? He, a member of the Government, and as such received by the House as expressing its views and intentions, thus a very few days ago told them, that they whose ranks he had joined were incapable of such monstrous propositions; and yet—but all in good time—was it, he would ask, fair to the House, in Ministers who cheered their right hon. colleague, to thus permit him to deceive the House

into a belief that no such coercion was intended? Was there no friendly hand to pull him back when he was thus committing himself and the Government?—no colleague to set the right hon. Gentleman right when he was denouncing him as a calumniator, for charging Ministers with designing measures which the right hon. Gentleman himself must now support? It was true, he (Mr. O'Connell) had more than once taunted the Whigs as the worst enemies of his country, and for doing so had been blamed by the right hon. Baronet (Sir Robert Peel) among others, for ripping up old stories of national wrong, the very antiquity of which proved their inapplicability to the present state of public affairs. But he would ask, if he found the deeds of the present rulers of Ireland not only as mischievous and unjust, and as fatal to its welfare as any of bygone times, while they were supported by falsehood more glaring, were the Whigs of the present day to escape the reproach of the crimes of their predecessors? He owed it to the several hon. and ingenuous persons who, though lovers of liberty themselves, yet respected the character of Whig, to remind the House of the great debt of gratitude which Ireland owed to that party. When he told them that the grossest violation of a solemn compact in history—the violation of the treaty of Limerick—was the act of the Whigs, those Gentlemen might, perhaps, be less ardent in their admiration and less certain in their confidence. Yes that, the blackest spot in the annals of English rule in Ireland—the violation of the Treaty of Limerick—a black spot yet unwashed, was an eternal record of Whig perfidy. The Irish army in Limerick was numerous, confident, and well equipped, when that treaty, which pledged the Whig King, and his Whig Ministers, to granting equal laws and liberties to his Catholic subjects, was signed. Scarcely was the seal annexed when a strong French force arrived almost under the walls of the town. What did the Irish army do under these unexpectedly favourable circumstances? Why, unlike their Whig opponents, like men of honour, they had plighted their word, they refused the succour of France, they abided by their treaty. And what was their reward?—the most shameless violation of the treaty, in the first instance by William himself, and the still more atrocious "No Popery" Acts of the Whigs of the days

of the Marlborough victories — the Waterloos of that time when the Whigs were, not merely strong, they were rampant in power—those “No Popery” Acts were all violations of the Treaty of Limerick. Well, but all this was obsolete. Be it so; let them come down to modern times, to the very Whigs now in office. In 1807 the Whigs were in office—certainly for a very short period; but, short as it was, long enough to inflict irreparable injury in Ireland—they then fabricated the Insurrection Act for Ireland, which was carried into operation by their Tory successors, with the entire assent of its original parents. In most meet sequence with this mild and conciliatory measure, the same party, and almost the very same men, now came forward with a measure, compared with which, in atrocity and despotism, all their preceding acts sink into insignificance, a measure which unites all the harshest features of all former tyrannies with some peculiarly their own, containing, among its minor provisions, the curfew tyranny of the Normans, and the suspension of the *Habeas Corpus* of the Tory misrule, and their own Insurrection Act and Martial-law, along with the rather novel propositions of unlimited imprisonment, by persons entirely irresponsible to any legal tribunal, with a total abolition of the right of petition, making the chartered right of every British subject a mere dead letter, so that no man in Ireland should in future dare to complain of any grievance, there being no tribunal to appeal to, no Parliament for the oppressed Irish to look to for protection, and the unhappy complainant being liable to imprisonment and loss of freedom, property, and perhaps life, at the suspicion or caprice of the Irish Government. These were parts of the accumulation of favours which the Whigs were about to confer on Ireland. Now, let it be understood, that if that atrocious measure passed into a law, the people of Ireland would be liable to loss of property and personal freedom—might be imprisoned at the mere pleasure of the Lord Lieutenant or the Irish Secretary, without any redress whatever, if imprisoned unjustly, for merely meeting together to petition for redress for their grievances. Nay, it depended on the mere caprice of the Irish authorities, and this to religious minds was well worthy of consideration, to pronounce a strictly religious meeting as incurring the censures of this

law. But even these provisions were not all; there was one, if possible, still more atrocious behind—he meant the Bill for changing the venue.

Mr. Wynn rose to order. He begged to submit to the Speaker, whether it was within the rules of debate, that any hon. Member should discuss measures not yet before the House, and which were in progress in another place. While the hon. Gentleman was discussing general topics relating to Ireland, he did not interrupt him; but now he was entering upon the specific provisions of a particular Bill, he felt it his duty to interpose and to appeal to the Chair. The Bill to which the hon. Member referred, might perhaps never come before the House of Commons.

Mr. O'Connell: I have been given to understand that the King's Ministers have certain measures to propose; and before agreeing to any supply, I am anxious to ascertain the nature of those measures. I have not specified a single provision of those measures.

The Speaker: That which the right hon. Gentleman, who spoke last but one, has stated upon the subject of order is perfectly correct, and completely in accordance with the rules and practice of this House; but the difficulty I have is in determining whether or not the principles he laid down are strictly applicable to the mode in which the hon. and learned member for Dublin has brought the intentions—or supposed intentions—of his Majesty's Government under consideration. It is, I must assume, a matter beyond all question, that nothing is more disorderly or inconvenient, than that details should be brought under the consideration of this House, of a measure presumed to have been introduced into the other House of Parliament. The rule of order is perfectly distinct and indisputable; but the great difficulty I have experienced, and which must always be felt, is in drawing the exact line between a general discussion with respect to the intentions, real or supposed, of the King's Government, and the discussion of the details of a measure which public notoriety had declared to have been under the consideration of the House of Lords. There cannot, and there never has been, the slightest doubt of the accuracy with which the right hon. Gentleman has stated the rule of order; and the effect of that statement will I trust, be to prevent the hon. and learned Gentle-

man being off his guard in any further observation or inquiry he may address to the advisers of the Crown.

Mr. O'Connell then continued to the following effect—the exceedingly courteous manner in which the opinion of the Chair is always announced in this House would, of itself, make me most anxious to avoid any topic that could in the slightest degree render it necessary for you, Sir, to advert to any course which I might be pursuing in any other terms than those of concurrence and approbation; but I really think that I shall not have any difficulty in reconciling the observations and inquiries which I have made, and those which I intend to make, with the rules and practice of this House. I rise to put some questions to the members of his Majesty's Government, respecting a measure which I understand they have in contemplation, and which measure they will not be able to carry into effect if the present vote of supply be refused. The Finance Minister of the Crown comes forward to demand a vote of 3,000,000*l.*, and thereupon I rise to speak to his general and particular policy; I am sorry that one member of that Government happens now to be absent—I mean the member for the prosperous town of Leeds—for I might in that case have had an opportunity of meeting, with some effect, the taunt which I suffered at his hands the other night, on the subject of a Repeal of the Union. I understand, that it is the intention of the Government to submit to this House a measure for changing the venue in Ireland. Now, when the hon. and learned Gentleman asked which was the mode best calculated to promote the ends of justice, and to secure to a man the benefits of a fair trial—which would be better for him, to be tried by a jury of prejudiced persons, or by twelve honest enlightened Englishmen;—when he asked that question, and in effect answered it for himself—I should have liked to inquire of him whether a native of the South would stand any chance of justice at all if tried by a jury of Orangemen in the North? That, in fact, was his argument; but I do not adopt the calumnies against the Orangemen of the North. But I take the hon. and learned Gentleman at his word, and if he looks upon a prejudiced Orange tribunal as most dangerous to justice, what does he say to changing the venue? I tell that hon. and learned Gen-

tleman, and I tell his Majesty's Government, that the rebellion in Massachusetts, or rather, I should say, the revolution there, had its origin in a much slighter cause than that which now aggrieves the Irish people. I call it a revolution, and even had it not been successful, I should not have termed it a rebellion. It is not every struggle that deserves to be called a rebellion; if the right of the suffering parties be clear—if the oppression practised upon them be more than human nature can endure, who will call their just resistance a rebellion? What drew down the revolutionary war which separated America from England—what but the refusal to accord to the Americans any other than a trial by Englishmen? Something infinitely worse, however, is intended for the Irish than even the transmission of the Catholics of the South to be tried by the prejudiced Orangemen of the North. If such a course of policy be attempted, I hope most confidently that it will be instantly and signally defeated. I do hope and expect that it will be at once repudiated by the high-minded Reformers of England. I ask, will such a policy be sanctioned by this House, composed as it now is, of a great body of enlightened Reformers. I ask you, the Reformers of England, will you say, that the Trial by Jury is to become a dead letter, and that the Writ of *Habeas Corpus* is to cease—that the single declaration of one man is sufficient for the imprisonment of the Irish people—that we, the Irish, are to hold our liberties at the will and pleasure of the Lord Lieutenant, and that his single dictum is sufficient to put a whole district out of the pale of the law? The hon. member for Oldham, with the straight-forward good sense which marks everything that falls from him, declines to call this measure a suspension of the *Habeas Corpus*; he prefers using terms which have nothing of art in them, and he tells us plainly that which every man must understand, and which correctly describes the literal fact, namely, that this is neither more nor less than a power of indefinite imprisonment—an absolute power of imprisonment; and even when you do bring the Irish to trial, by what sort of tribunal is their guilt or innocence to be ascertained? Forsooth, by five military officers, who have been two years in the service, and have attained the age of 21.

Mr. *Shell*: A majority of the five will be sufficient to find an Irishman guilty.

Mr. *O'Connell*, Ay, the majority of five. Three military officers, who have been two years in the service, and have attained the age of twenty-one, will be sufficient to decide on the lives, liberties, and properties, of Irishmen.

Mr. *Stanley* rose to order. We find one hon. and learned Gentleman correcting another, in order that he might be most minute and correct as to the details of the measure submitted to the consideration of the other House; it is therefore a farce and an absurdity to say, that the hon. and learned member for Dublin is avoiding the details of the measure now before the other House; but he goes on and perseveres in the discussion of those details; knowing, at the same time, that his Majesty's Government cannot join issue with him upon any one of these details.

Mr. *O'Connell*: The right hon. Gentleman says, that he and his colleagues cannot answer me; and by way of establishing that position, he treats me to an instalment of a reply. I confess I am utterly unable to comprehend what there is to prevent the right hon. Gentleman from following me through the whole course of the observations which I have been making. I attribute to his Majesty's Ministers certain designs, and I tell them that I will vote against going into a Committee of Supply, until I have expressed my opinions and feelings as to what those designs are said to be, and until I have ascertained precisely their scope and tendency. Oh! give us some fair play. What; will you not only oppress the unfortunate Irish themselves, but silence their chosen though talentless advocate? Am I thus to be put down, and replied to by instalments?

The *Speaker*: I had hoped that I succeeded in making myself understood. I took the liberty of saying, that nothing could be more inconsistent with order, or more inconvenient in practice, than the discussion of measures pending before the other House of Parliament; and I said this the rather, because, at the moment, the hon. and learned Gentleman, the member for Dublin, was, if not discussing, at least touching very closely upon subjects actually under the consideration of the House of Lords; since then he has gone much further, and entered into a discussion of the merits of an intended tribunal, and arguing with respect to the

numbers, ages, and other qualifications of the Judges of whom that tribunal was to be composed.

Mr. *O'Connell*: I am desirous of not transgressing order; and I really think, if what I have said, and what I intend to say, be viewed in its true light, no hon. Member will say, that it is out of order; and I am sure it is because I have not succeeded in making the form in which I pursue the object I aim at apparent, that I am thus supposed to be out of order. I do attribute certain designs—not to the right hon. Secretary for Ireland—because, for form sake, we will put him out of view; but I do attribute to the noble Lord, the Chancellor of the Exchequer, certain intentions with respect to Ireland—it may be that I calumniate him. If so, nothing can be easier for him than to wipe out any stain upon his character which such an imputation may affix. I attribute to him the design of placing the lives and liberties of his Majesty's subjects at the disposal of a majority of five officers of the line, not one of whom may be more than three-and-twenty years of age. I attribute to him the design of placing the lives and liberties of his Majesty's subjects in the hands of the Lord Lieutenant and three such officers. There is no obligation upon the noble Lord to sit silent; he may in a moment fling from him the imputation, and cast it to the winds. I say, I understand that he intends to propose and support a measure in this House, which I hesitate not to describe as the most appalling instance of cold, heartless despotism—of a tyrannous determination to crush the freedom of a people, really unoffending—that the history of mankind can furnish. America revolted for less cause; for still a Trial by Jury was allowed to the Americans, but it is denied to the Irish; they may be convicted and condemned by three ensigns or lieutenants, as the case may be. Need I suggest to the House that the members of the military profession, above all others in the community, are open to the influence of apprehension and the hope of reward; by apprehension, of course, I do not mean mere physical cowardice, but an apprehension of the displeasure of their superiors, and the hope of promotion in their profession. These judges, as they are called, are emphatically not independent. They may lose their offices—I say they may. The right to dismiss a military officer is a

part of the prerogative of the Crown. Not only may the refractory be dismissed, but the supple and complying may be rewarded with the Government of round towers, and I know not what—yes, these are the tribunals to which I understand it is the intention of the noble Lord to propose that the people of Ireland should be subjected, and a tribunal, too, which shall possess the power to punish witnesses if they do not give testimony. I am old enough to remember the dreadful events of the year 1798; I remember that, in that year, an unfortunate man, named Grady, was brought before a Court-martial—I remember, too, that at the time to which I am calling attention, the great Catholic counties were every one of them quiet, and Kerry was so perfectly undisturbed that there was not a soldier in the whole county. In that county but one solitary outrage took place, and that was occasioned thus—there were a few ill-advised individuals who thought it a good measure to place a quantity of arms and ammunition in the barracks at Tralee, and the custody of them was confided to three drunken yeomen; some persons came from the county of Limerick, overpowered this slender guard, and carried off the arms; some persons, charged with this offence, were brought before a Court-martial, and tried. The witness Grady, when they were first taken into custody, said, he thought he knew one of them; he was not bound over, but he was compelled to attend the trial, and when he was then examined, and called upon to identify one of them, he expressed some doubts, and could not positively declare that he was one of the party—the unfortunate man was sent out, and endured 100 lashes—he was then called in, and required to identify the prisoner; this he was unable to do, and a second time he was sent out, and again received 100 lashes—again was he called in, and once more interrogated—again he declared that conscientiously he could not identify the prisoner, and a third time was he sent out to be flogged; but before the 300 lashes were inflicted, he fainted, and so ended the prosecution. Are we to have Courts-martial again in Ireland? are all the oppressive acts of all their predecessors to be revived by the present Administration? and are they to superinduce Courts-martial upon those? And, in addition to Courts-martial, are they to give the right of punish-

ing witnesses? Are they further to improve upon that, by removing all legal responsibility? And is all this to be sanctioned by a body of enlightened Englishmen, assembled in the nineteenth century? We, the Irish Members, stood by your English Reformers during the long and arduous struggle for an improvement in the constitution of this House, and will you desert us now that the liberties of our country are at stake? I will not enter further into these details; why need I? If there be a lover of liberty in this House—if there be a single free spirit within these walls—I have said enough to prove all that my cause requires, and words can do no more. What do I require? Let the breasts of English Reformers respond to that interrogatory. What I say is, let no one man have the power of outlawing my country. Let the liberties of Irishmen not depend upon the results of talebearing. I demand inquiry—let me be confronted face to face with the calumniators of my country—let me have an inquiry at that bar—and let there be an end to the system in Ireland which gives the class of persons ostensibly employed to put down disturbances a direct interest in promoting and exciting them. Do not place the Irish in a worse condition than the negro slaves of the West Indies, who, happily for themselves, do not feel the degradation of their condition. Give me an inquiry in the face of day, and I pledge myself to show the real causes of discontent, and the sources of disturbance. Not only are the Irish people to be deprived of the other rights to which I have called attention, but they are to lose the right of petition—you impose upon them the most grievous penalties, and you tell them they shall not even complain. It was a refusal of the right to petition that drove the House of Stuart from the Throne of these realms—other causes might have contributed, but Englishmen would not endure a refusal of the right to petition. The last of the Stuarts infringed the religious freedom of the country. I agree with him in religious doctrines and discipline; but I reject, abhor, and despise him as a politician; and I maintain that his intolerance proves him never to have understood or felt the influence of that holy religion of which he was a professor. He infringed the right of petition, and that formed a ground for the Revolution; and that Revolution constitutes the title-

deed of the present Monarch of England to his Throne; and a better title to it a Monarch could not have, though there has since been added to that title whatever advantage mere hereditary right could bestow. Now, I beg permission to put this question—Is not the right of petition as dear to Irishmen as ever it was to Englishmen? Is it not more necessary for us than ever it was for you? Have we not greater and more intolerable grievances to complain of? In poverty and misery, ought not the voice of Irish complaint to be heard? By saying to the wretched: you shall not tell your tale of woe, you take from him his last resource, and you impose upon suffering humanity its last horrible aggravation. I have been told that predial insurrection has been the consequence of political agitation. I say, that directly the reverse is the fact. Again I would repeat the challenge for inquiry, for I hesitate not to affirm, that every species of calumny I could disprove. I say further, that predial agitation has not been found to exist in any quarter where it has not arisen from local oppression. Take up any case of predial agitation that you think proper, and you will find it commencing with the usual crimes—the same quantity of murders committed; but the question for an enlightened and Reformed Parliament to determine is, how far Ministers were instrumental in keeping it on foot? I lately read in a newspaper one of the greatest falsehoods—and that is a bold word—that ever appeared in a public print. It stated, that the county of Cork is at this moment disturbed. There never was anything more untrue. It is equally untrue that the King's County, Clare, or Galway, are disturbed; neither is Mayo, Sligo, or any part of the North disturbed. In Louth a predial insurrection was recently stopped, but not by the interference of Government. I am sorry the member for Worcester is not now in his place, for I am sure, if he were, I should induce him to feel, that he had not done justice to Ireland, in voting impliedly for the coercion of Ireland, by supporting the Address; and I the more regret it, when I remember that there is no Member in this House whose support of Ministers is more independent, or whose opposition to them partakes less of a factious character. It does not become me to speak in public of anything that I myself

may have done; but if I had the member for Worcester in private, I think I should succeed in convincing him, that I have succeeded more effectually than any other individual in preventing predial insurrection. So anxiously and earnestly did I engage in that work in the year 1822, that an address of mine appeared so useful to the humane and gallant officer who commanded the forces stationed at Cork, where the disturbances chiefly prevailed—I allude to Sir John Lambert—that, out of his own pocket, he defrayed the expense of printing and circulating 36,000 copies of that Address. I claim, then, to be most successful in preventing predial insurrection; and I will prove that assertion, if you will grant me an inquiry at the bar of this House. As to any disturbances that may exist at present, I maintain that they are confined chiefly to the county of Kilkenny. If any outrages have been committed in Wexford, I have every reason to believe that they have been committed by strangers. They have begun with one or two barbarous murders as usual [*A laugh*]. Do I palliate or deny the existence of crime? I do no such thing; but I differ with some hon. Members as to the causes. But that laugh proves, in an eminent degree, how ignorant this assembly is of the real state of Ireland; and if no other reason could be discovered, that laugh itself would prove the most powerful argument in favour of a Repeal of the Legislative Union; for it proves a perfect absence of knowledge with respect to Ireland, and a complete incapacity to legislate for that country. Once for all, I beg to repeat my protest against this system of Martial-law. I tell the House that Special Commissions would accomplish all that could be required—all that any man could demand. Special Commissions never have failed; or, if one failed, the second always succeeded. Two years ago, in Clare, the insurgents were complete masters of the country, but two Special Commissions put an end to the whole disturbance. If Government would only issue a permanent Commission of that kind, all difficulty would disappear. In Cork, two Commissions succeeded; in Limerick, two were attended with the same results; and so, likewise, in Clare and Galway. I will prove, too, at the bar, if permitted, that there would not be the slightest difficulty in obtaining honest and independent Jurors; there

is but one instance of a Juror having been at all inconvenienced, even in consequence of any verdict he might have given; and that, Gentlemen, was the agent of an absentee landlord, and, therefore, not likely to be popular on other accounts, for everything harsh the absentee leaves to his agent, and everything gracious he assumes to himself. As to witnesses, the greatest misrepresentation has gone abroad with respect to them. I know one instance in the county of Clare where a witness attends mass and markets and every public place, though he gave testimony against the persons concerned in twelve assassinations.

When a county happens to be disturbed, what does the Government usually do? They increase the police force. That may be a very wise and prudent precaution; but it would be much more judicious to increase the military force, for, by increasing the police, you give an influential class a direct interest in promoting disturbance. The hon. and learned Gentleman then read a letter from the reverend Mr. Fahy, of Tullough, describing the efforts made by spies in the pay of some persons not known, to seduce the people from peaceable habits, and prevail upon them to take unlawful oaths. One of those persons, the letter stated, was arrested, and the peasantry found the greatest difficulty in prevailing on the police to remove them to the County gaol. The acts of the police are arbitrary, and their authority is all-powerful, as may be proved by their conduct in the case of Paddy M'Hugh. His father is suspected by them—they enter the house of the son, a respectable person, and a freeholder—a rusty gun-barrel is found, and the police drag him, without remorse, nine miles from his dwelling, and lodge him in the jail of Tullough. In this instance, neither the house nor the gun-barrel belonged to the father. No Magistrate is consulted—no committal is signed. Why should there? It would be loss of time—unnecessary—the police are all and everything—their authority is sovereign! I remonstrated with them in this case, and promised that I would bring the affair before a Reformed House of Commons, where I could prove that this same prisoner—or rather this victim of police outrage—deserved to be remunerated by the present Government, if it wished to reward those who laboured for the pacification of Ireland. During the reign of Terry-Altism, this maltreated

individual risked the loss of his life in defending his father, who refused to take unlawful oaths. I could bring before this House many more examples of loyalty given by men who are now to be put under Martial-law. I am ready to produce, at the bar of this House, evidence that will show whether the coercive measures proposed by Government be expedient or not. And I say to you, when I am prepared with such evidence, can you, ought you, to legislate for a country or a people without the most deliberate inquiry into it and them? What; are the people of a whole country to be outlawed upon the mere *ipse dixit* of a Minister? Their crime—see what it is—they interfere with the acts of a bad Government by petitions, and they are guilty of the most heinous of offences—political agitation. Oh, what folly in Ministers! They do not wish for a Repeal of the Union, yet nothing shows more the infallible necessity of that Repeal than their measures. They are contributing more to hasten a Repeal of the Union than all the agitators put together. And why should it not be so? Let us reverse the case. Suppose an Irish Parliament legislating for the English people, and passing such laws for them, as the English Government are now endeavouring to pass for the Irish, what would be the consequence? Birmingham would rise and send her determined thousands to remonstrate at the very doors of their senate-house; Sheffield would instantly give proofs of the spirit of her inhabitants; and the very stones of London would “rise and mutiny,” until the spark that animated them was extinguished in blood. Englishmen would never allow themselves to be debased by such a measure; then why should Irishmen? For my own part, I have been accused of intentions that I never dreamt of; and if I feared calumny, I should long since have quitted the arena of politics. I care not how much I am calumniated, when the vials of defamation are poured upon me on account of my exertions in behalf of my country. I deserve not calumny, and the English people will see that I do not, when I say, in my justification—if justification in my case be necessary—that I have ever been, and still am, most attached to a British connexion. Such an avowal may be turned against me in Ireland, but I risk everything rather than abandon truth.

Yes, as long as I saw the utility of the connexion—and an immense utility may exist—I should prefer seeing this House doing justice to my countrymen rather than it should be done by a local Legislature. I repeat that this avowal is likely to be turned against me in Ireland, but I adhere to it, for it is my decided opinion. If I thought that the machinery of the present Government would work well for Ireland, there never lived a man more ready to facilitate its movements than I am. The only reason I have for being a repealer is the injustice of the present Government towards my country. That Government must be unjust so long as it lacks proper and impartial information; and this House must legislate, as it were, hood-winked, until the necessary inquiries are made by it. I have been accused of selfish motives when I agitated, and cried out for a repeal. I can be liable to no such accusation now, when I declare that this projected measure of his Majesty's Government is more conducive to a Repeal of the Union than all my agitation, though it were a hundred-fold greater. You may put down meetings, repress associations, smother public harangues; but tell me how can you gag private conversation and private communication, which, when resorted to, must be still more dangerous than open proceedings? The truth is—and I will out with it—that Ministers, in wishing to pass this Act of Parliament, have an after-thought. It is not directed against those who are repealers, for nothing can be less calculated to prevent Repeal. I'll tell you what it is directed against—and I only tell you what I in my conscience believe—its direction, its real intention, is to enforce the collection and payment of tithes. When this Act of Parliament shall have passed, let any parish resist the payment of tithes, and let, in that parish, by any—the clearest accident—be burned a corn-stack or a hay-stack, and then will it be seen to what the accident is attributable. Woe to such a parish, and woe to the man in it that dares refuse tithes! For them there will be no other mercy than the tender pity of dragoons and marines. Let the Reformers of England mind what I have just said; they will find the truth of my words—this measure is intended to effect the payment of tithes, and nothing else. When I say this, I know that I am only widening the accusations of selfish-

ness with which I am constantly taunted; but I will again tell my accusers that I solemnly protest against every shade of midnight crime—that I detest and abhor as much—most probably more than they do—the very mention of murder and blood. I stand here the sincere but humble advocate of my country; and I am most ready to adopt any additional enactment with respect to it, provided it can be shown that such enactment will prevent the crimes complained of—will punish the guilty, without making the innocent suffer. I am for preserving the Constitution; for I wish that Ministers would have recourse to no means but constitutional ones; and I offer them—if my profession gives me any superiority over laymen—I repeat, I here publicly offer them, to the full extent, my services and cordial co-operation. I suggest that constitutional law should be adhered to—that criminals or those supposed to be so, should be brought before a Jury of their countrymen—and that the Judges of the land should try them, and that they should not be subjected to the sentence of military officers. For the crimes of a few, why should a whole country be put under Martial-law? The only persons Government have to fear—and the only persons I fear—are Whiteboys and Whitefeet. They, and such as they, are the only portion of the Irish who are enemies to the amelioration of their country; they alone oppose resistance to the execution of the laws; and it is against them alone, and not against the innocent, that severe measures should be directed. It is a calumny—a deep, false, and foul calumny—to dare aver, that the political agitators of Ireland are in any way connected with those infringers of the law. I have now, I perceive, trespassed for a long time upon the patience of the House, but I make no apology for having done so, since my voice has been lifted up in the pure cause of freedom and of constitutional liberty. I have a few remarks more to make—a few questions to put to Ministers. Why do you want extraordinary measures? Have you not already a watchful and most subservient police? Have you not reporters and short-hand writers in your pay? Do they not attend every meeting? Does not every word that is uttered reach you? Are not all public proceedings detailed in the newspapers? Have you not in your power, at your beck—a ready machinery to detect all that may be libellous

and dangerous to you; and will not that machinery enable you to put a stop to all that you may object to? Why, then, demand coercive powers? You have Juries which try and punish. Ah! but your excuse is, that then there would be witnesses! You want none—you want no witnesses—no Juries:—Yes, you do; you want those Juries which will convict without testimony. I again beseech the House to demand that information be given it. I entreat it not to be biassed or led away by idle tales, or by the authority of any set of men, Ministers though they should be. I supplicate the House to insist upon a full, ample, and detailed inquiry into Irish affairs; for it is only after such inquiry that crime can be met with punishment—that it can be effectually obviated—and that relief can be afforded to the grievances which exist. But, no; you are called upon to legislate without having obtained any certain and satisfactory information. Well, you grant the powers that are asked of you. Will those powers—will Martial-law, think you, tend to relieve the peasant, or render him more tractable? Will they tend to do away with the evils of absenteeism? Will they make the landlord exact less—will they render him less grinding? To these questions I distinctly answer, no. On the contrary, this is the very process—this savagery of legal war, if I may use the expression is the very way to make the evils complained of increase to the most aggravated height. Let those measures be adopted—let tyranny be exercised, and to the troops of the Government that exercises it, will be presented the same image that struck Ludlow when he marched for three days through the now fertile and populous county of Louth—an image of desolation—not a vestige of cultivation—not a trace of human being! But this image will not be confined to one county; it will meet your troops at every step in their progress through the nation. I once more implore Englishmen to have recourse to inquiry, and not to find my countrymen guilty on the strength of the mere assertions of Government. I solicit inquiry; and if the result of it should be unfavourable to us—if Englishmen should think we ought to be governed by such measures as those now proposed, why then I shall be the first to say: let Ireland submit. She will submit, if she be found guilty; for never was a nation so willing to acknow-

ledge her errors, and stoop to the penance that may be imposed for her faults. She has always given proofs of this spirit, though she has been told by Sir John Davis and Lord Redesdale, that with respect to her inhabitants, there was always one law for the poor and another for the rich. In the face of a Reformed Parliament I call upon its English Members to justify the expectations that not only the nation but the whole of Europe have in them. I call upon them not to give their sanction to these measures—not to condemn unheard, and confound every civil and political right. Before they act unjustly towards Ireland, I bid them be cautious, and reflect upon the monetary and commercial system of their country. I bid them, think upon the powers of Europe. Let injustice be done to Ireland, and you will see what weight England will have in the congress of nations! Let insurrection and rebellion be created in Ireland, and you will soon see the value of your three per cents upon the Stock Exchange! Be unjust to Ireland, and your measures of economy will go for nought. You must have an increased standing army—you will have thousands of other mercenaries under various denominations, to support, and the taxation you complain of must be kept up, if not increased. Besides which, you will have its moral consequences—you will be accused in the face of Europe of ingratitude; and it will be said, that Ireland hates you, as she ought, if you sanction such measures to be passed against her. England, your country, is at this moment powerful, for she is compact, and as it were coiled up. If she is so, she owes it in a great part to Irishmen, who aided her in her political agony, saved her from the weakness resulting from the distraction of party; and restored her to the vigour that, when contented, she possesses. I sit down with the hope that the glad tidings will ere long reach my country, that independent Englishmen and Scotchmen will prove, by their resistance to the passing of those measures, that they prefer the inviolability of the Constitution to all other considerations. Their vote upon this occasion will not only preserve the Constitution, but render the Union of the two countries durable. I mean, if that vote be, as I trust it will be, against the enactment now projected by Government. May they, in the event of their resistance to injustice, ingratitude, and oppression,

have their reward. There is one that I can promise them—their names, how uncouth soever their sound, will be re-echoed in the vallies of my country, and, at the mention of them, blessings will be poured upon the heads of those to whom they belong.

Lord Althorp was quite assured, that the House did not expect, that he would follow, in detail, the hon. and learned Gentleman, who had just sat down. He did not mean to do so; nor to discuss, for the present, any of the hon. and learned Member's arguments. But he could not help saying, that the hon. and learned Member had, in the most unusual manner possible, dragged in the discussion of the measures that Government contemplated towards Ireland. He would not follow the example of irregularity set by the hon. and learned Member, and would defer speaking upon the measure until it was brought before the House, when it would be seen whether the statements on each side were founded in fact or not. The hon. and learned Gentleman had stated, at some length, the great evils that would attend the suspension of the *Habeas Corpus* Act; but when the measure was regularly before the House, the House would decide whether its temporary suspension was not preferable to the continuance of the evils with which Ireland was afflicted. The hon. and learned Gentleman had said, that there was no relation between predial and political agitation, and he referred to the state of Ireland in the years 1821 and 1824. He (Lord Althorp) should be prepared to prove, that there existed a close connexion between them, and that crimes were as great now as they were then, and consequently required the same remedies. It might be of some injury to his Majesty's Government to allow the statements of the hon. and learned Member to go forth without contradiction. He would not now disprove those statements one by one; but he would publicly enter his protest against their general veracity, solely with the view that Government might not be injured by them. If the duty devolved upon him to bring forward those measures in that House, he would not do so unless he found himself prepared to show that there were sufficient grounds for their adoption.

Mr. Fergus O'Connor could not bring himself to assent to the temporary suspension of the *Habeas Corpus* Act, nor to

the introduction into Ireland of the Insurrection Act; and he joined with the hon. member for Dublin in imploring the House to refuse their sanction to such violent and extreme measures, and not to condemn Ireland to bloodshed and to every species of extemporaneous tyranny, without being heard in her own behalf. He had the honour to represent one of the largest counties in Ireland; and it had been asserted within the walls of that House, that the disturbances in the county which he represented (Cork) were carried to such an extent as to demand for their suppression the immediate application of those violent remedies which the measure in question contained. Now, he was perfectly cognizant of the state of the county of Cork, and he utterly denied the existence of any such disturbances as had been described, for there had not been a single case of outrage within the last five months in the county of Cork, with the exception of that to which the hon. member for the University of Dublin had referred; and he asked, was that isolated instance of disorder to be made the excuse for the suspension of the *Habeas Corpus* Act, and the institution of military tribunals in that country? Let him also refer to evidence in this case, which would be the more acceptable to the Ministers, inasmuch as he who furnished it was one of their own officers, and, at all events, would be acquitted by them of any desire to give a partial colouring to facts against them. He was acquainted with one of the assistant barristers for the county of Cork, and that gentleman assured him, not long since, that not one of the cases which had come before him in his public capacity for the last several months was in any way connected with political outrages. Were there not also many other Gentlemen present in that House who were able to state what the condition of the county of Cork had been for the last five months, and now was; and, in the face of such evidence, were the inhabitants of that county to be subjected to military force, and the arbitrary proceedings of irresponsible Courts-martial? And as to the chance of fair treatment which the people would have from these Courts-martial, he would venture to say, although the hon. member for Dublin was interrupted when he hinted at the possibility that the Crown would exert the power it possessed

of suspending those officers who did not act in these Courts-martial, in accordance with the wishes of the Ministers—he would, he repeated, venture to say, that the year 1798 was not so far gone by but that the memories of many were impressed with the recollection of certain men, who, in the execution of the arbitrary powers intrusted to them, went far beyond the limits of their just authority, and who, notwithstanding, now filled situations of great emolument and honour in the public service. With whom did the military officers, serving in Ireland, associate, but the Magistrates? And would they not thus imbibe a tinge of those feelings which impelled those functionaries in the performance of their duties, and which disqualified them for executing the trust to be given to military officers by the proposed Bill? Were not the Ministers acting most ungratefully to those by whom they had been constantly supported during their struggle for the Reform Bill? Were not the members for Ireland their faithful adherents during the two Sessions which had been occupied by that measure? And did the Ministers think of suppressing the tithe meetings until after the Reform Bill was passed? Indeed, he might truly ask, if such measures as were now in contemplation for Ireland, were to be proposed for England or Scotland, would not they, their countrymen and fellow-subjects, be the first to assist them in struggling against such arbitrary proceedings? To whom were the provisions of the Bill to be confided? Who was to have the execution of them? Were they not to be intrusted, in reality, to the Magistrates? And who, of all the public functionaries in that country, had so far forgotten humanity and compassion as that body? He spoke generally, and he spoke too, with a knowledge of facts which bore him out in his assertion. He knew of instances where fines of 5s. had been doubled, and where people, on their refusal to pay fines of 10s., had been sent to gaol. All he asked for his countrymen was, a fair and full hearing, and that whilst justice was constantly talked of, some would be granted them—some compassion at least for their miseries, be awarded them by the House of Commons. He was there, the Representative of 800,000 of their fellow-subjects, and he entreated the House not to suffer him to ask in vain for a redress of the grievances

endured by his constituents. Was the military flag to fly over the judgment seat? Were the epaulettes and scarlet to usurp the ermine? Had there been a Mr. Grey, or a Mr. Brougham, in that House, would they not have defended his country from these outrages? Let it be remembered that Ireland contained 8,000,000 of people; and let Ministers reflect that, although they might destroy many thousands, yet there would be other thousands who would survive, and these would ever hold in remembrance the unnecessary and cruel effusion of blood that the measures now about to be enforced would cause, and which might have been avoided did there exist amongst the Ministry that spirit of humanity and justice which was ever the best guarantee for a nation's fidelity.

Colonel Conolly felt himself imperatively called upon, in consequence of the assertions which had been made in the course of the present discussion, to state, to the extent of his knowledge what the real condition of Ireland was, and also the opinion he entertained of the measures about to be adopted to remedy that condition. The hon. and learned member for Dublin had exerted his customary eloquence in the taunts which he had indulged in, whilst characterising the conduct of Ministers towards Ireland; but he must acknowledge, that he did not think the taunts of the hon. and learned Member were, in the present instance, merited. He had ever deprecated having resort to such strong and forcible measures, as the Bill against which the arguments he had been listening to were directed was intended to introduce into Ireland; but he must acknowledge that a dire and stern necessity called for the instant adoption of such severe measures in this case. He sincerely deplored the situation in which the country to which he belonged was placed; but he could not silently stand by, and hear it said, that Ireland was in a state of tranquillity. His testimony, therefore, with respect to the present condition of Ireland, was, that the measures which he understood from report to be in contemplation, were absolutely and imperiously called for; that order should be restored, and that peaceable and well-disposed persons in that country should be delivered from a force which was infinitely more tyrannical than any power which could be delegated by the House to the authorities in Ireland.

He could not pretend to know, at present, the extent to which the contemplated measures went, that were to be proposed to Parliament; but he did know to some extent the evils to which they were intended to put an end; and, he must declare, that the tyranny exerted over the opinions and minds of the better-disposed classes of the people in Ireland, was unexampled in any former period of history, however disturbed. He would assert, on his own knowledge, that there was no man in the provinces of Leinster or Munster, who could venture to express an opinion inimical or hostile to those of the organized disturbers of the public peace, by whom he was on all sides surrounded; nor could he exercise an opinion or agency, without incurring the most awful responsibility. He maintained his assertion, and would abide by its truth. He himself resided within ten miles of Dublin, and he had not very long since received a threatening declaration, that his house would be burnt over his head, because he had parted with a steward. The hon. and learned member for Dublin had declared, in the course of his speech that evening, that he had never been within some hundred miles of any tithe meeting in Ireland, and that he had never presided at any such meeting. Now, he had in his possession, as a Magistrate, sworn declarations, wherein it was stated, that the hon. and learned member for Dublin had been the chief person at a tithe meeting at Leixlip, and wherein the declarator swore, that the hon. and learned Member, after exhorting the people over whom he presided as chairman not to pay one shilling of tithes, had walked off with 50*l.* of their money in his pocket, which was subscribed for him. Were not such acts gross impositions upon the excitable and inflammable people of whom his auditors were composed? Here was a man, who, by playing with the passions of the people, was driving them to violations of the law, holding out to them impunity to crimes; and could he be said to have any humanity in his breast, and to be actuated by a regard for the happiness and welfare of the wretched and misguided people whom he thus misled? It was painful to him, to speak in the manner he did of his fellow-countrymen, but it was his duty to them which prompted him; and, if his voice could in any way be serviceable to his country, it was by disabusing the House, and by correcting

the false and erroneous impressions which many persons attempted to give of the actual condition of Ireland. He would yield to no man who heard him in humane and liberal sentiments towards Ireland; but, notwithstanding he had been threatened to have his house burnt over his head, he would openly declare, that he approved, to the extent of his knowledge of them, of the measures which Ministers intended to resort to for the purpose of quelling the disturbances, and of restoring order and tranquillity; and he only regretted that the lives and property of the peaceable residents in Ireland had not been protected by the introduction of such measures at a much earlier period of the commencement of these disorders. He would not now enter upon any discussion of the nature of those remedies which were to be applied, but he would say, that every person of respectability in Ireland had been long in a discontented and dejected state, owing to the long continuance of the threats to which they were exposed; and that the measure was hailed by their friends as the only thing calculated to cheer them, and inspire them with hopes for the future; and, however much he might regret the departure of Ministers on the present occasion from the strict line of the Constitution, yet, in the circumstances under which they did so, they were fully borne out; and as far as he could, from the imperfect knowledge he possessed of their intentions, he approved of the measure, and would testify that it was imperiously called for, in order that life and property might be protected, as at present no security existed for either in Ireland.

Mr. *Sheil* said, that the gallant Officer who had stated with great distinctness that he supported the entire of the measures which were said to be in the contemplation of Ministers, had displayed a not unnatural predilection for that species of tribunal, which, it was rumoured, they were about to erect in Ireland, to supersede its ordinary judicature. The House would be competent to judge, from the emotions which the gallant officer had just displayed, how far he was likely to prove a calm, and dispassionate, and impartial Judge, if he were to be appointed one of the triumvirate of officers, who were to have the liberty or the exile of the people of Ireland in their possession. The descriptions of the gallant Officer were very vivid, but still there was in them a

want of good drawing. He had spread his colours too broadly; but when his picture was examined in detail, it was found, that there was only one prominent feature in it. Everybody who knew, must admire the magnificence of the gallant Officer's splendid mansion in Ireland. It was no small portion of his (Mr. Sheil's) reminiscences, and, it so happened, that it formed no small portion of the gallant Officer's own. He was sure that the House would perceive that he had said nothing to the discredit of the gallant Officer; but he thought that the House would not forget, that the gallant Officer, in describing the disturbed state of Ireland, had limited himself to one fact, and that was, that he had been threatened to have his house burned over his head, merely because he had ventured to dismiss his steward. Now, when Gentlemen came forward, not merely to cast vituperation upon his hon. and learned friend, Mr. O'Connell, but also to present themselves as the advocates of peculiar principles, it would be better for them to go into more details than those into which the gallant Officer had entered. As the gallant Officer had stated that the whole of the south of Ireland was in a state of disturbance, it would not have been objectionable if he, who was member for Donegal in the north of Ireland, and lived in the county of Kildare, had stated some few items in proof of it, instead of expatiating generally on the lamentable condition of Ireland, respecting which, in a moral point of view, little doubt, he believed, was entertained. He could not forbear from offering his humble but sincere encomium to the gallant Officer, for the impartiality with which he had conferred his support upon this measure, which, it was rumoured, but he could not believe the rumour, was in the contemplation of his Majesty's Ministers. It was rumoured, that the measure was not to be limited to one class of persons, or to one class of opinions; but that it was to extend to certain societies which prevailed in the county of Donegal, and which were said to be patronized by the gallant Officer. Unquestionably, therefore, the gallant Officer was entitled to their panegyric for his fairness, as he was now giving his approbation to a mass of measures, which were calculated to bring not only himself, but his friends, under the lash of this forcible, and he (Mr. Sheil) would add, oppressive law. He perceived

—nobody could help perceiving—that there was on the part of the House, a strong disinclination, founded on the sense of its inconvenience, to enter into the discussion of a subject which was not then regularly before it, and for which there would be many ampler opportunities of discussion. From the manner in which the suggestion of the noble Lord opposite was received by the House, he would not detain them longer by dwelling upon topics which had been so ably and so copiously discussed by his hon. and learned friend, the member for Dublin; because, independently of all other considerations, it would be most injudicious on his part to discuss this subject now at any length. He thought, however, that it would not be unimportant that one or two facts, which had come within his own knowledge, should be stated as to the condition of Ireland, in order that the blow, struck by the Legislature at the vitality of freedom, should not be struck in the dark. He abstained from going into a discussion of the rumoured measure clause by clause; but he felt that he should be justified in stating—nay, that he was compelled by his duty to state, one or two facts which required grave consideration by all those who were called upon to pass a measure of severity, unparalleled in the annals of legislation. The first fact was this:—It was not true—and he made this assertion without meaning offence to any man; those who thought differently might be misinformed, or might be acting upon impressions, which, though erroneous, they might believe to be correct;—but it was not true, that, in the south of Ireland, the administration of justice had not been effectual and complete. He did not intend to limit himself to vague asseverations like the gallant Officer—on the contrary, he would come at once to details. There were, in several counties of Ireland, various prosecutions recently instituted against the combinators against tithes. Those persons were charged with an offence, the trial of which was one that excited the deep sympathy of the great mass of the population. It had been alleged, that on these prosecutions the attendance of witnesses could not be obtained, and that jurors could not be procured. Now, he could from his own personal knowledge, declare, that both witnesses and jurors attended in considerable numbers. Were there acquittals of the defendants on those prosecutions?

Let those who had heard that a system of terrorism prevailed in Ireland, which prevented witnesses either from coming forward, or from speaking the truth when they did come forward, and which prevented jurors from performing their duty according to the dictates of their consciences and the solemnity of their oaths—let those persons know, that in all those prosecutions, conviction was obtained against the defendants. Government obtained verdicts in the provinces; it obtained them in Dublin, not once only, but twice, for the alleged tithe combination at Bornabreena; it obtained them also in Kerry; it obtained them also in Cork, where the juries were Catholic; it was equally successful in Limerick; it was equally successful in Clonmel. He had heard, in another place, a person of great eminence, whose past life of public virtue would not, he trusted, form a singular contrast with his present proceedings,—he had heard that person, whose name however he would not mention, allude to those very tithe prosecutions as grounds for this measure of unexampled severity. Now, on this subject, he spoke from his own personal knowledge. There were three trials of this kind at the late assizes for Clonmel. He was on one of them, as counsel for the defendant. A vast array of Crown counsel was drawn up against him. Let such English gentlemen as had heard that witnesses could not be induced to attend, and that jurors could not be induced to pronounce verdicts against defendants in such cases, attend to the facts which he was about to recite. In all those three cases, convictions were obtained by the Crown. The defendants were convicted, sentenced, and carried off to gaol as prisoners, and there he believed some of them remained now, contributing the evidence of their pallid faces to the necessity of the abolition of the Trial by Jury, and the establishment of martial law. It had been said, that the administration of justice in Ireland was so imperfect, that the ordinary tribunals must be set aside, and that courts-martial must be established in their stead. The facts which he had just mentioned would enable the House to judge whether this was not the grossest delusion ever attempted to be practised on the credulity of Englishmen. He would then pass to another series of facts, for it was right that the House, and the people of Ireland, and the people of England too,

should be made aware of the sentiments entertained by his Majesty's present Ministers as to the impolicy and injustice of these measures of coercion. He had been speaking all along of these measures of coercion, as measures which were only rumoured to be in the contemplation of Ministers. That they were really in their contemplation was a vile calumny, a "mere invention of their enemies," for it was impossible that men who had expressed themselves so strongly as they had done against the injustice and impolicy of mere Insurrection Acts could ever contemplate a measure which far exceeded in severity any Insurrection Act that had ever been passed. The history of the different Insurrection Acts might be very shortly told. In the year 1801, the late Lord Castlereagh first proposed the suspension of the *Habeas Corpus* Act, and the substitution of courts-martial for the ordinary judicial tribunals in Ireland. He proposed it only for three months—"My wish is that this Bill should be only for three months, in order that Parliament should have time to go into an inquiry, in case it should be necessary to have the measure further extended." Who was it resisted that proposition at that period, when Ireland was looking to France for redress, not merely on account of the stinging anguish of her own wrongs, but on account of the magnificent spectacle of power which France then exhibited to the world? Mr. Grey insisted that it was a monstrous and unexampled violation of the Constitution to have measures of such a description as the suspension of the *Habeas Corpus* Act, and the infliction of martial law upon so large a component part of the empire as Ireland passed without the slightest inquiry as to their necessity. But Earl Grey was said to insist that inquiry may be dispensed with, when, if rumour is to be credited, he is about to introduce a measure before which the Castlereagh code sinks into insignificance and evinces a regard for freedom. In 1807, Sir Arthur Wellesley introduced for the first time the Insurrection Act, having modelled it on a sanguinary statute passed by the Irish Parliament in 1796. Mr. Grattan expressed his concern that a bill of that nature should be necessary, and by so doing lost much of his former popularity. But the Chancellor of the Exchequer of that day declared that it was against a French party, which was then popular in Ireland, that Mr. Grattan had

directed the Insurrection Act. At that time the main body of the present Ministry put in their *veto* not only against the establishment of martial law in Ireland, but also against the unconstitutional suppression of the right of petition. In 1810 Mr. Wellesley Pole moved the re-enactment of the Insurrection Act; and again, in 1814, the same measure was re-proposed by the right hon. member for Tamworth. He begged the particular attention of the House to what he was next going to say, as it touched not only Ireland, but the present Ministers to the core. The right hon. Baronet, the member for Tamworth, on the 23rd of June, 1814, stated that 'there were combinations in Ireland, whose objects were to overthrow the existing Government, and to intimidate witnesses and jurors from acting independently and honestly in discharge of their respective duties in courts of justice.*' On the 8th of July in the same year, the right hon. Baronet brought in a bill to provide for restoring and preserving of peace in such parts of Ireland as were disturbed by unlawful combinations or conspiracies. In doing so, he read a letter, which had been put into his hand by an hon. Baronet, the member for the Queen's County, which stated that the Caravats were levying contributions from the little farmers every night, and seizing arms and ammunition wherever they could be found.† He also described the outrages committed by the Carders, explaining that the operation of carding was performed with a wool card, with which the flesh was literally torn from the bones of the unfortunate creatures who happened to be exposed to the torture.‡ That measure, so introduced, was opposed by a majority of the present Ministers. The state of things which that measure was intended to remedy was horrible; but was it exceeded by the savageness which is used as a pretext for the present measure? Certainly not. If the House wanted to know the efficacy of that measure, they might read it in the infamous burning of Wild Goose Lodge, when nineteen persons perished in the flames. In the year 1822, Lord Wellesley called for the renewal of this Insurrection Act, under circumstances which surpassed, in the number and diver-

sity of crimes, anything that was now suggested by Gentlemen on the other side. For what did his despatches state? That the south of Ireland was in actual rebellion—that the peasantry in the county of Cork were in arms—that they had posted themselves on the hills—that they had fought a battle with the King's troops at M'Croom—that murder stalked abroad by day, and that conflagration blazed in all directions by night. You would rather have supposed that Lord Wellesley was describing a country in a state of war after an actual campaign, than a country in which no hostile force had recently shown itself. What, on that occasion, was the language used by those hon. Gentlemen who now formed part of his Majesty's Government? First, he would beg leave to call the attention of the hon. member for Cambridge to the sentiments which he then expressed. Mr. Spring Rice said, that "it was quite unwarrantable to have recourse to coercion without previous inquiry. How could the noble Lord rely so much upon the efficacy of laws which, having been already tried, had proved totally ineffectual to the restoration of tranquillity in Ireland? Lord Bacon had observed that to allay sedition you must expel the matter of it. But he was sorry to say, that no measures were taken to expel the matter of sedition in Ireland."* He (Mr. Sheil) wished to call the particular attention of the House to what followed next, as it came from a man whom he really believed to be a genuine lover of his native country—Ireland. "What must Englishmen," continued Mr. Spring Rice, "and particularly the English Members of that House, think of the constituted tribunal invested with such extraordinary power as to be able to transport their fellow-subjects for seven years to Botany-bay without any reference of the case to the consideration of a jury."† Again Mr. Spring Rice proceeded as follows:—"As to the suspension of the *Habeas Corpus* Act, he would appeal to any English Gentleman who heard him, whether he would agree to the enactment of such a measure for any part of England upon such documents as had been produced by the noble Marquess? He called, then, upon the members for England to deal with Ireland as they would with their own country."

* Hansard, xxviii. p. 164.

† Ibid. p. 648

‡ Ibid. p. 649.

* Hansard (new series) vi. p. 122.

† Ibid. p. 123.

"He called upon them, nay, he implored the English Members, not to allow the constitution to be unnecessarily violated or suspended with respect to Ireland; for if they did, they must prepare their minds for the consequences."* This was the adjuration uttered from this side of the House, of which the member for Cambridge was then an ornament and he (Mr. Sheil) would adopt the same language of emphatic entreaty, and implore them to deal towards Ireland as if she were truly incorporated with this great country. For God's sake do not tell us one day that Ireland is like Yorkshire, and another act towards us a part which would make the blood of every Briton boil if it were applied to himself. But to go on. What said Lord Ebrington? "That there was not a single sentence of the communication of the Lord Lieutenant which could be construed into a call for any extraordinary powers, much less for such frightful and oppressive measures."† What, too, said Sir F. Burdett? "Of all the topics introduced into the royal Speech, the most prominent and pressing was certainly the state of Ireland. It was impossible to look at the condition of that unfortunate island without the deepest commiseration: a kind, and industrious, and a generous people had been driven to despair; and surely it was fit, on an occasion like the present, that something else should be held out to them than the sword. Their sufferings were grievous in the extreme; in some cases it had been seen they were so severe that the inhabitants preferred death in any shape to living under such complicated miseries. Perhaps the noble Marquess opposite would again employ his old assertion, about a transition from war to peace; but was not much of what was now endured in Ireland to be attributed to a transition from a state of independence to what was miscalled a state of Union? The gentlemen of Ireland and the people at large had been cajoled and hoaxed into a belief that the Union was to be complete and beneficial; yet it had turned out a mere parchment Union, by which Ireland had been so reduced to the last extremity of distress as to cause a danger even of permanent separation. Ministers had not made a single attempt

to carry into effect any of the idle promises by which the Irish nation had been duped into a consent to its own destruction and debasement.' The House was here informed of the instrument by which the wound was inflicted; but where was the balm? The hon. and learned Gentleman then proceeded to read on:—"What were the views of Government upon this important subject? It was clear, that something ought to be done without a moment's delay; and it was equally clear that conciliation, as well as force, ought to be employed. There were three especial and striking grievances that affected Ireland. The first was the scandalous pretence on religious grounds for excluding men from their equal and just civil rights. This free and unlimited participation had been proposed at the time of the Union. This was an obvious and practical evil, and unless the meetings of this House were mere matters of senseless form, it was bound to afford a speedy remedy—a remedy at all times within its power. The next grievance was the manner and mode of the tithing system. In the year 1782 what was the situation of Ireland? If she was then distressed, at least she had an ear bound to listen to the public voice: she had a Parliament, and under that Parliament, though calumniated, she had enjoyed a surplus revenue of about a million sterling."** What did Mr. Brougham—now Lord Brougham and Vaux—say? "He would seriously ask whether Gentlemen perceived the extent of the power which they were thus intrusting to the hands of others? They gave to Magistrates a right to enter into the most retired and delicate part of any dwelling-house, and, after a reasonable time, if refused admittance, a power to force the chambers even of females; and should any person be found absent upon this domiciliary visit, without reason being assigned, he was liable to seven years transportation. And all this they did without the interference of a grand jury—without the petty jury, by verdict—without allowing the aggrieved party any satisfactory appeal.† And this is the man who calls on us now to do the very self-same thing—nay, more, to vote not only for the statute which he thus reprobated as an outrage to all humanity and

* Hansard (new series) vi. p. 126.

† Ibid. 136.

* Hansard (new series) vi. p. 29 & 30.

† Hansard (new series) vi. p. 141.

all law, but with a super-addition that renders the former act merciful by comparison, and makes us desire as a boon the solitary blessings of the Insurrection Act. He had not yet done with the Ministers. There was another before him—the great champion of Reform, who had been so often gloriously defeated in its cause, and had at length won a victory which would be remembered to all after time. In 1824, the renewal of the Insurrection Act was proposed. What said Lord John Russell? He said:—“If we were told that in Austria, Russia, or Prussia, a law was in operation by which the people were confined without light in their houses for twelve out of twenty-four hours, should we hesitate to pronounce such a law arbitrary and absurd?”* And yet the Act which was arbitrary and absurd in 1824, the noble Paymaster of the Forces feels no compunction in supporting in 1833. So much for Ireland. Turn now to England; and see whether any Minister ever acted, or dared to intimate that he would act, such a part as you are about to perform towards your miserable and helpless dependent. In 1819, Lancashire was in a condition represented to be most awful. Hundreds of thousands were said to be in arms, and the town of Manchester was then in a state almost of volcanic eruption. Why not, then, treat Ireland as Lancashire had been dealt with, and not trample upon her rights and liberties with the giant strength that England possessed? And what was it that the Government had acted in 1819 with regard to Lancashire, with respect to the condition of which county at that time he proposed to read a document which had been issued, bearing the name of Stanley—a document upon which the Six Acts were founded; but still there was an inquiry, for although the facts were notorious, yet, where the rights of Englishmen were concerned, it was not dared to trespass on the Constitution without inquiry; not, so, however, now, when Ireland, her liberties, trial by jury, the name of liberty, and the peasant's home were concerned. That document was to be found in *Hansard's Debates*, in the 41st volume. It was read before a secret Committee—the secret Committee, which it was found necessary to appoint before ever a motion was made to sacrifice any portion of the liberties of Englishmen. The document he was about to

quote, was written by Lord Stanley, on Sept. 6, 1819. Lord Stanley says, after describing the training and drilling: “One of the ‘most powerful, to which the disaffected ‘have resorted, is a system of intimidation, ‘which prevails to a most serious and ‘alarming extent; not only have threats to ‘persons and property been made use of, ‘and put into execution, but even combinations have been formed to discountenance and to ruin those publicans and ‘shopkeepers who have come forward in ‘support of the civic power. To such an ‘extent does this prevail, that individuals ‘who are well disposed, have been deterred ‘from expressing the sentiments which ‘they really entertain, and from giving ‘information which may lead to the detection of the offenders. The object of ‘the lower classes, in general, is no other ‘than to reverse the orders of society, ‘which have been so long established, and ‘to divide among themselves the landed ‘property of the country. In one populous district no warrant for ordinary ‘offences, or other legal process, can be ‘executed; the payment of taxes has ‘ceased; and the landlords are threatened ‘with the discontinuance of their rents.”* This document is signed “Stanley.” It presents an appalling picture of the condition of a large portion of the north of England at that peculiar moment when public credit had received a great shock, and the fabric of the State trembled at the concussion. If this had been read as relating to Ireland, it would have been met with cries of “Hear.” But in this instance the *Habeas Corpus* Act was not suspended—Trial by Jury was not abolished, nor Courts-martial raised in the stead of Courts of Justice. What course was proposed by Ministers? Inquiry was first resorted to; evidence was laid before a Select Committee, and the case having been considered in detail, the House proceeded to pass the Six Acts. Did they subvert the tribunals of the country, and raise a new military judicature on their ruins? Did they change the venue? Did they trample on the right of petition? Did they strangle all discussion? No! But they did introduce one clause, which they drew from the Irish Insurrection Act, which gave a right to a magistrate to break open a man's house to search for arms. He begged the House to hear—

* Hansard, (new series) xi. 1327.

* Hansard, xli. p. 267.

not a mere speech—not a flourish of opposition rhetoric—not a declamatory ebullition—but a solemn protest, entered on the Journals of the House of Lords, and thus embodied in the records of the country. The following was the protest:—‘Be-
‘ cause this law is in its very nature pecu-
‘ liarily liable to abuse; interest, credulity,
‘ malevolence, revenge, party violence, and
‘ indiscreet zeal, may equally, with a sense
‘ of duty, contribute to call it into action;
‘ and the powers given for its execution of
‘ breaking, either by day or night, into
‘ any house or place where information
‘ may have been received that arms are
‘ kept for illegal purposes, must unavoid-
‘ ably expose the persons and property of
‘ his Majesty’s subjects to injury and vio-
‘ lence that cannot be sufficiently guarded
‘ against by the provisions made in the
‘ Bill for that purpose. This is not a mere
‘ apprehension—experience proves that
‘ such effects may be expected from it; for
‘ in Ireland, it is well known, nothing
‘ more contributed to irritate the people,
‘ and to provoke acts of private resent-
‘ ment and revenge, than the abuses which
‘ took place, particularly the insults which
‘ were offered to women in the exercise of a
‘ similar power.’* Such was the protest
upon the Journals of the House of Lords
at this peculiar and most alarming juncture,
and the first name signed to it was
now the greatest in the present epoch of
the Constitution—no other than Grey.
The name so fraught with honour, so en-
compassed with fame, was sufficient; and
wherefore should he waste time in denun-
ciations of this measure, when that single
name, attached to this recorded anathema
against oppression, spoke with an eloquence
as potent as it was brief, and swelled
emotions in every man’s bosom, and re-
called recollections to every man’s mind,
which the noblest oratory and the most
elaborate sanative would fail to produce.
He had quoted many documents, but he
could not deny himself the gratification
of referring to one with which he should
conclude. He had already stated that
Lord Castlereagh, in 1801, had proposed
Martial-law, and a suspension of the
Habeas Corpus Act. Lord Castlereagh
had started a Reformer, and, as Curran
used to say, came into the Irish House of
Commons, “cantering on a grievance.”
He was originally almost a Republican.

* Hansard, xli. p. 755.

And it was said, that Mr. Grey in his
reply to Lord Castlereagh, adverted to his
early Jacobinism in these remarkable
words:—‘There were Ministers who, when
‘ out of place, were factious, who started
‘ questions to mislead the people, who
‘ lured them into schemes of Reform to
‘ overthrow an Administration, and then
‘ not only abandoned the people, but
‘ accused their old abettors of treason, for
‘ they had taught them so to do. If
‘ Jacobinism was licentious out of place, in
‘ place it was tyrannical, and filled the
‘ country with terror and coercion. It was
‘ the parent of Reform when out, and of
‘ despotism when in.’* Mr. Grey then
demanded inquiry, and repudiated the
doctrine, that a measure of severity ought
to be adopted, because it was to be con-
fided to hands so lenient as those of
Lord Cornwallis. And where was the
man who would now tell the House of
Commons that despotism was to be estab-
lished in Ireland, because a kind, gener-
ous-hearted man was to be its trustee?
Was not this a most fatal doctrine? How
long was he to continue the depository
of the trust? The Viceroy might be changed,
but the statute would remain, and whipping,
and laceration, and torture, and all the
horrible train of calamities that attend the
exercise of military authority might, here-
after, follow this frightful measure—this
system of tribunals in scarlet, and justice
in regimentals. He should not accuse
this Government, or any man connected
with this Government, of any disposition
to cruelty and actual oppression; but how
could they guarantee the contingencies of
the future? Their theory might become
another’s practice. They were to fabricate
the law sword that Lord Anglesey might
keep it in the scabbard; but hereafter
another hand might draw it forth and
steep it to the hilt in blood. It might be
thought that these observations ought to
have been reserved for the transmission
of the Bill from another place. No, for it was
of importance that at once, before any further
progress in this enterprise of oppression
had been made, the House, the Commons of
England, the people of England, the
Ministers themselves, should see what they
were about to do. Behold the mass of
ponderous manacles you prepare for Ire-
land! Examine every chain—weigh every
link—and then you will, as we do, tremble

* Hansard, (Parl. Hist.) xxxv. p. 1023.

at their imposition ! You will shrink from the degrading office of fastening and rivetting them upon us. The Insurrection Act, Martial-law, suspension of the *Habeas Corpus* Act, abolition of Juries, change of venue, extinction of the right of petition—discussion at an end—the incarceration of the peasantry in their foul and loathsome hovels, the denial to them of the very air of Heaven—the sacrilege to be perpetrated in the sanctity of their houses—their privacy violated—their wives and children dragged at the dead of the night, by a ferocious police, from their wretched shelter—complete, absolute, unqualified despotism established—liberty annihilated in substance, and not even its shadow left behind ! Good Heaven ! was all this necessary ? Bad as the condition of Ireland is alleged to be, was all this unparalleled oppression, unexampled in the history of this nation, and unsurpassed in that of any other, indispensable for what was called the repose of Ireland ? Nay, forbear, relent, we are at your feet—we are prostrate before you—your pride must needs be satisfied—give way to your better and nobler feelings, and remember that the assertion of the liberty of others is the noblest office you can perform, after the vindication of your own. He entreated the House to look to the manacles prepared, and consider well, whether the arms of Ireland were fitted to the imposition of so atrocious an encumbrance.

Mr. *O'Connell* rose to address a few words to the House with reference to an attack which he understood had been made upon him in his absence, and he now was anxious to defend himself from the allegations which had been stated—namely, that he had attended a tithe meeting ; he, on the contrary, had never attended a tithe meeting. The hon. member for Donegal (Colonel Conolly) had stated, that he (Mr. *O'Connell*) had attended a meeting at Leixlip, but the hon member had not stated that it was a parish Meeting ; but he alleged that it had been sworn in information before himself, that he (Mr. *O'Connell*) had directed the people not to pay tithes, and that, of a sum of money which had then been collected, he (Mr. *O'Connell*) had himself taken 50*l*. If such had been sworn before the hon. Member, he had been guilty of the greatest dereliction of duty in not having sent forward such informations, and also, by such neglect, also, of an act of great injustice

towards him (Mr. *O'Connell*), because, if such had come to his knowledge, or if such were in existence, and the hon. Member would send them to him, he would not only indict the party for wilful and corrupt perjury, but he would also indict for subornation of perjury, every man who had the least participation in the procuring of so gross and abominable a perjury.

Colonel *Conolly* said, that he had stated that a meeting, at which the hon. and learned Gentleman had attended, had been held at the house of a tenant of his (Colonel Conolly's) own—a man of the name of Herbert, and that there a collection had been made under the head of the *O'Connell* rent for that Gentleman ; and that it had been sworn before him (Colonel Conolly), that the amount collected on that day amounted to 50*l*. and upwards.

Mr. *O'Connell* said, that if it was sworn that he had been at Leixlip on that or any such occasion, he did not hesitate to say, that it was a gross perjury. He well remembered having attended an anti-union meeting at Leixlip, but as to the story of money being collected at that meeting, or at any at which he had been present, no greater falsehood had ever been stated, either on a man's word or on his oath.

Colonel *Conolly* had understood that, on the occasion to which he had referred, that a scaffold had been erected for the reception of the hon. and learned Gentleman, but that he himself was not in the country at the time. He had, however, seen the spot on which it stood ; and he could add, that the unfortunate individual whom he had named (Herbert) had actually solicited the rector of the parish to impound his cattle for the tithe, because he (Colonel Conolly) had declared that he would not receive the rent until the tithe were paid.

Mr. *Stanley* agreed with the hon. and learned Gentleman who had so recently sat down, that it was inconvenient at present to enter into the details, or to canvass a measure not now before the House ; but he supposed, from the tenor of the hon. and learned Gentleman's speech, that having prepared himself for the present occasion, he felt it would be a great tax upon his patience to abstain from the argument until the question properly came before the House. He (Mr. *Stanley*) should not follow the example of the hon.

and learned Gentleman, in discussing a subject that might or might not be brought before this House of Parliament; nor should he have risen at all upon the present occasion, though desirous to meet the arguments advanced by the hon. and learned Gentleman, if it had not been that he wished to save the time of the House by entering shortly into an explanation of some of the facts to which the hon. and learned Gentleman had alluded, and with reference to which he had given a notice of a motion for the production of papers. To that motion it was not his (Mr. Stanley's) intention to offer any opposition—namely, the papers with reference to the legal proceedings at Clonmel, but he proposed to make an addition to those returns to which the hon. and learned Gentleman, he thought, would not object. The hon. and learned Gentleman had brought the transactions at Clonmel forward with a view to prove that the law was enforced, and that justice was administered without difficulty; that both ready witnesses and prosecutors were to be found, and that, as was most true, convictions had been obtained in every case. True it was, that convictions had been had, but the hon. and learned Gentleman stood forward now, and taunted the Government with desiring jurors to stand by, when only by the exercise of that prerogative fair and impartial justice could be done. The hon. and learned Gentleman had himself been present upon the occasion to which he had adverted, and he (Mr. Stanley) had not; and he therefore regretted the absence from the present Parliament of his hon. and learned friend, the Solicitor General for Ireland, because he had been taunted with having, in open Court, given directions to the Crown solicitors to set aside all persons on the Jury panel being Catholics. To that statement he, on the part of his hon. and learned friend, now gave the most decided negative, but, on the contrary, the instructions of the hon. and learned Gentleman had been, to set aside no man on account of his religion. No doubt a great majority of those who had been set aside were Catholics, but still there had been on Juries many individuals of that persuasion; but the difficulty had been to procure jurors, who, being free from danger or intimidation, would faithfully discharge their duty in the jury box. But the hon. and learned Gentleman had contended that there existed no difficulty

in procuring witnesses to prosecute, that there had been no intimidation, and that no particular agitation, provocation, or excitement prevailed amongst the people. What, however, had been the state of the country in October, 1832, with regard to the peculiar question of tithes? Why, meetings had been held in every part of the country, calling upon the people not only to resist the payment of tithes, but also to combine together for that purpose. And for such a combination three indictments at Clonmel had been preferred, besides another for the murder of a clergyman, but still it was insisted that there existed nothing bearing the semblance of intimidation. He, however, would read to the House a document which he held in his hand, published by the Clonmel Independent Club. It was a resolution passed and published by that society to the effect that they pledged themselves in the face of the country, individually and collectively, that they would not directly or indirectly, either publicly or privately, hold any intercourse with persons who should purchase stock or goods seized for tithes, church-rate, or vestry cess, and exposed to sale to support a pampered church establishment. Yet it was insisted that there had been no intimidation; of that he would leave the House to judge, and he would remind the House of the manner in which the system had been found to work, though it had been urged that jurors had freely and readily given their attendance. First, with regard to intimidation. The first case tried at Clonmel was that of Mr. Pennefather, a Protestant, and, what might still more surprise the House, the son of a Protestant clergyman. This gentleman was indicted for a combination against tithes, and the reverend Mr. Gould, one of the witnesses, residing in the neighbourhood of Borrisokane, and in the country where no intimidation prevailed, was obliged to be brought by a circuitous route, and under a strong escort, such was the danger of his life, to give his testimony, and, at the very period his brother was lying in his bed labouring under the effects of a murderous assault which had been made upon him, because he had become the purchaser of property which had been seized for tithes. Again, it had been said that the system of intimidation had not operated upon jurors in Ireland. In the case he had just mentioned thirty-five individuals had, it was true, been set aside by the

Crown; of course twelve had been sworn upon the Jury, but out of 205 names called, no less than 175 did not answer. A conviction, however, in this case took place, and the next indictment was against Griffin Dwyer and other parties, for the same offence, in which case one was acquitted.

Mr. *Sheil* intimated that two of the parties had been acquitted.

Mr. *Stanley*: The others, however, had been found guilty, but in that instance on the panel being called, thirty-seven persons were set aside, and 172 did not answer to their names. The third indictment was against a person of the name of Mulcahill, in which thirty individuals, summoned as jurors, were set aside by the Crown; yet before that number was set aside, and before the twelve sworn on the Jury could be found, no less than 244 names were called from the panel. He would now take another case which followed those to which he had adverted, premising that according to the system complained of, and which he did not deny—namely, that the first named on the panel (and who were usually the most respectable) did not generally answer to their names when called. And here he must state, that among those who had so been set aside by the Crown in the cases he had mentioned had been three gentlemen who, like the hon. Gentleman opposite, had attended meetings to oppose the payment of tithes, and had in other respects been active in resisting the system, but nevertheless had shown no reluctance to come into the jury-box to try parties charged with the very offence of which they had been guilty, or, in other words, to judge their own case. One person certainly appeared subsequently, but not in the jury-box, but at the bar, and pleaded guilty to an indictment charging him with the same offence of which he had been previously called to decide the guilt or innocence of other parties. Under such circumstances, it was the bounden duty of the officers of the Crown to exercise the prerogative with which the law had invested them. The Government, however, had again been taunted with having set aside Roman Catholics. In this respect he would refer to the case of the indictment of certain parties charged with the murder of the reverend Mr. Going, tried on the same occasion to which the hon. and learned Gentleman had referred. This

was not a question of tithes, but a prosecution for a most deliberate and barbarous murder. Before the Jury was formed, 288 names were called over from the panel. Of these fifty-three were set aside by the Crown, and twenty-six by the prisoners, while others were excused from attendances, upon statement then made. The Jury, however, was eventually composed of four Protestants, and eight Roman Catholics.

Mr. *Sheil* was understood to intimate across the Table, that the parties were acquitted.

Mr. *Stanley* did not complain that the parties were acquitted: the proof of their identity had failed, and how, he begged to inquire, had the evidence failed? Why, because the son-in-law of the murdered man sent word that his own life was in danger if he appeared to give evidence against the parties charged with the murder of his relative. Could it then be said that intimidation did not exist, or that justice could be administered, when it was found that one man, to give evidence, was carried to the court under the protection of a military escort, lest his life should be taken; while another lay confined to his bed from the effects of wounds inflicted in a murderous assault; and a third declaring the dread he felt that his own life would be sacrificed if he aided in the conviction of parties charged with the murder of his father-in-law, because, as he said, "I know that I am a dead man if I appear in court." Set the whole transactions at Clonmel, and the expressions, as they had been termed, of his hon. and learned friend the Solicitor General for Ireland, before England, Ireland, and the world, and then let the hon. and learned Gentleman opposite tell the House that in Ireland the law can run a free, fair, and impartial course.

Mr. *Ronayne* could assure the House that the alarming picture drawn by the right hon. Secretary for Ireland of the state of that country was nothing different from its state during the last sixteen years. The right hon. Secretary had stated nothing that had not happened at every assizes in Ireland for the last sixteen years. He never yet was present at any assizes at which from 50 to 150 names were not called over before a Jury was empanelled. He was glad the right hon. Gentleman had introduced the subject of tithes. In Ireland there was a general

feeling against tithes, and if there were not, the Irish would not deserve the name of men. The oppressions of that country were without a parallel in the history of the ancient or modern world. An enormous revenue was collected there from the whole people to support a clergy whose religious faith was that of only one-sixteenth of the whole population. If that were the case in England, if the Catholics of Lancashire, for instance, claimed the religious ascendancy and civil supremacy over all the rest of England, would it be tolerated? He would not ask the Scotch Members whether their countrymen would endure such treatment. The noble struggles of their ancestors for liberty forbade the question. Ministers might desolate Ireland, and put down the people by the strong arm of despotic power, but they would not reconcile them to their system of tyranny and injustice. A facetious countryman of his had compared the people of Ireland to the geese in France, who were tortured in order that their livers might be enlarged from the agony of their sufferings, for the gourmands of that country to devour. So in Ireland were the people tortured to gratify the palates of the Bishops and inferior ministers of the Protestant Church. The coercion proposed for Ireland was solely to keep up the system of tithes, which would ever be received as a badge of national degradation, and a type of conquest.

Mr. *Callaghan* felt it due to the constituency he had the honour to represent, to offer a few observations with reference to the measures of coercion proposed by the Government with regard to Ireland. He was in Ireland when the King's Speech, and the debate which ensued, had reached that country, and he must say, that every loyal man was astonished to find that his Majesty's Ministers had given such a description of Ireland as the facts did not warrant. It had been stated, that in Cork neither life nor property was secure; that the operation of the law had been defeated; that jurors could not be obtained, and that all justice was suspended. Nothing could be more incorrect than that picture of the district with which he was connected; and he must say, that the Ministers were not in possession of such facts as could warrant them in taking such a proceeding as it was rumoured was proposed. He could not but regret that clergymen should be now making false

representations as to their incomes and the situation in which they stood. The clergyman of the parish in which he himself resided had stated that he had not received his tithes, but he (Mr. *Callaghan*) knew that he could have done so if he had so thought fit, but he preferred to come to the Government and the House to excite the commiseration of English Members, and to induce them to join with his Majesty's Ministers in depriving Irishmen of their rights and liberties. What would such a measure be but one of deprivation of liberties, by withholding the right of trial by jury, a right which, he trusted, they never would be deprived of, notwithstanding the observations of his Majesty's Ministers on the present occasion? The Government was acting under deficient information. When Lord Castlereagh had come to Parliament for the Six Acts, he came armed with documents to defend his proposition, but no such information had been now afforded to the House. The information of his Majesty's Ministers was false and delusive, and particularly as regarded the county with which he was connected. The jurors in that district had ever been ready to discharge their duties, and he had seen them adopt the doctrine of the Judge when it was not law. He had himself been present on a recent occasion when the Jury inquired of the Judge what was the law on the case, and were answered that the law was not written, but was before all ages, and had become the common law of the land. Now he (Mr. *Callaghan*) should like every man to know the law he was charged with having offended. The object of his Majesty's Government, in the present measure, was to prevent the Repeal of the Union. It was impossible that any country, treated as Ireland had been, could be quiet. So long as Whigs and Tories combined against it, and so long as it was unable to look to the laws of England for protection, Ireland could not expect justice. She would not endure coercion, and the attempt would estrange every man in it from the Government. The measure proposed by his Majesty's Ministers was not calculated to promote the peace of the country.

Mr. *O'Dwyer* said, that the right hon. Gentleman had asserted that Juries in Ireland had been prevented from doing their duty, and witnesses from giving evidence; but in the course of his speech,

with every disposition to support this assertion by facts, he had not produced a single fact to sustain his allegation. In every case to which the right hon. Gentleman had adverted there had been a conviction for the Crown. But the right hon. Gentleman had been guilty of an anachronism, which ought not to pass without notice. He had spoken of the murder of Mr. Goings. Hon. Members might think that this was a recent affair, and connected with the opposition to the clergy. What would be their surprise when they heard that it occurred ten years ago? But there had been convictions, and witnesses did come forward. Had the right hon. Gentleman ventured to assert that any one of the witnesses at the Clonmel assizes had met with the slightest molestation? He did not find any cheer from the other side of the House to strengthen the right hon. Gentleman's statement. If the right hon. Gentleman could have ventured to state that a single witness had been waylaid, the House would have rung with cheers. Yet the right hon. Gentleman called for new powers to repress intimidation, and protect witnesses. With every disposition to evade the facts of the subject, the right hon. Gentleman had pleaded the present state of the country as the justification of the measure, which was an abrogation of the Constitution on the pretext of preserving peace. He would call the attention of the House to the Speech of his Majesty at the opening of last Session:—"The scenes of violence and outrage which have occurred in the city of Bristol, and in some other places, have caused me the deepest affliction. The authority of the laws must be vindicated by the punishment of offences which have produced so extensive a loss of life." But what said the Speech further?—"Sincerely attached to our free Constitution, I never can sanction any interference with the legitimate exercise of those rights which secure to my people the privilege of discussing and making known their grievances."* The King's Ministers did not advise his Majesty on that occasion to deliver a Speech like that, the result of which was to entail such distress upon his (Mr. O'Dwyer's) country; and he could tell them why—the people of England would not permit them; they did

not dare to do it. He declared that he would avail himself to the utmost of all the rights and privileges he possessed as a Member of that House, to delay the passing of a measure which, come when it might, would be the overthrow of the Constitution.

Mr. *Edward Stewart* observed, that the Government had to-night been attacked with all the usual virulence from the other side, and with more than the usual unfairness. It was the general feeling amongst Englishmen not to strike a man who could not strike again, yet his Majesty's Ministers were attacked when they were precluded from entering into a premature discussion. He had heard the powers asked for by Ministers condemned as an attack upon the liberties of Ireland. He hated oppression as much as any man, but he was prepared to maintain that liberty could exist only where the law was paramount. Could it then be said, that liberty existed in Ireland, when armed parties were assembled at night by the ringing of bells, the lighting of fires, and other means, for the purpose of committing acts of lawless violence? If any one violated any of the laws they prescribed, it was at the risk of forfeiting his property or his life. This might be called anarchy, or disturbance, or insurrection, or rebellion; but, in his opinion, the most appropriate epithet that could be applied to it would be that of tyranny—the tyranny of the daring depredator and of the midnight assassin. He admitted that Ministers were bound to redress the grievances of Ireland, and the first that required redress was the want of law. He believed it was necessary to have recourse to strong and to extraordinary powers. He believed also that those powers should be full and ample; and, if it was requisite to suspend the Constitution for a time, the more decided manner in which it was done the better—provided the suspension was prolonged only so long as the disturbances continued.

Mr. *Maurice O'Connell* thought, from part of the speech of the hon. Member who spoke last, that he had been an Irish Member whom he had not known; he had, however, represented his Majesty's Ministers in that House as tongue-tied babies. He said, too, that that alone was constitutional liberty where the laws were paramount; and it was because liberty existed only where the laws were paramount that they, the Irish Members,

*Hansard, (third series) ix. p. 4.

opposed this measure. With respect to the statement of the right hon. Secretary as to the number of persons whose names had been called over at the Clonmel assizes, and who did not appear, it had been the practice to summon on the long panel three times as many Jurors as were likely to attend, and it was well known that for 2s. or 2s. 6d. the summons would not be delivered. The right hon. Gentleman should have stated how many were actually summoned, and whether any of the persons who had been called on the first list were called on the second.

An *Hon. Member* declared that the south of Ireland was in a perfect state of peace, and that there had been no difficulty there in obtaining convictions, no intimidation of witnesses or Jurors. For what purpose were the oppressive measures proposed by his Majesty's Government intended? For the preservation of the system of tithes. Of this, however, he was convinced, that as long as the tithe system was continued, and as long as the tithes were levied in the present mode, so long would the Irish people be in a state of dissatisfaction. He had himself been a Catholic, he then became a Protestant, and afterwards a Presbyterian. But while he was a Protestant he never had had an opportunity of entering a church, he had never seen a clergyman, he had never been able to go to prayers. Why should tithe be paid by those who, as in his case, had derived no benefit from it? There never was a country so injured as that he came from. From the moment at which he heard of the measures which his Majesty's Government intended to introduce, he had not had a single night's rest. They pretended to call their measures measures of security and protection. He could call them nothing but measures of degradation and humiliation.

An *Hon. Member* professed to entertain the best feelings toward Ireland, and had even heard with great regret the attacks which had been levelled in succession at the Lord Lieutenant, the Judges, the Clergy, and the Police. Those attacks argued badly for the persons by whom they were made, as they showed that they suffered with difficulty any kind of Government. At the same time he was very ready to allow, that if his Majesty's Government had managed the powers already intrusted to them with discretion and vigour, no addi-

tional powers would have been necessary. He would also say, that a call for extraordinary powers came with a very bad grace from the present Ministers, since it was well known that, for the last fifty years, no Government in this country had been so strong. An indisputable proof of that strength had been shown in their having had the power to destroy the very House of Commons which placed them on the Treasury Benches, in their having had the power to control the House of Peers—in their having obtained an authority from the highest personage in the land, which they used for unconstitutional purposes [*order*]. He repeated it, that they had obtained an authority from the highest personage in the land, which they had used for unconstitutional purposes. From such Ministers a call for additional power came with a very bad grace. At the same time, looking at the state of Ireland, contemplating the midnight murders, the mid-day assassinations, the destruction of property of every description in that unhappy country, he admitted that very strong measures were necessary to restore it to tranquillity. Ministers charged the other side of the House with agitation. But did he not see on the Treasury Bench a noble Lord who had himself unfurled the standard of agitation—who had spoken of the conduct of the Parisians in the revolution of July, and of the tricoloured flag with respect? Did he not see behind the Treasury Bench an hon. Baronet who, when he was on the other side of the House, was constantly bringing forward motions of agitation? How could his Majesty's Government complain of agitation, when, by their mismanagement, they had allowed the great agitator to escape after conviction? He would support his Majesty's Government on the measures alluded to, but he begged them not to suppose that they had his confidence.

Mr. *Hume* wished his Majesty's Ministers joy of their supporter whom they had just heard. He entered his protest against the doctrine of the noble Lord and the right hon. Gentleman, that the time chosen for this discussion was inconvenient and improper. This was the very time for such a discussion. When the House of Commons were called upon to vote away the public money, that was the time at which to consider whether those who were to have the management of the

grant were entitled to confidence. He must say, that he never witnessed a more humiliating spectacle than the situation of the hon. Gentlemen opposite. No men in England ever stood in so disgraceful a position. Having changed sides in the House, there was only one man on that side who had not changed his opinion, and who still maintained the sentiments which he had always professed. The present was not an Irish question alone—it was one of immense importance to the people of this country. He was convinced that nothing could thoroughly remedy the existing evils in Ireland, but the destruction of that which had ever been the curse of Ireland; and that the entire removal of the Church Establishment in that country was indispensable to the restoration of its tranquillity. What had been said by an hon. Member was perfectly true—namely, that the people of England were now called upon to wage war with the people of Ireland for the sake of the Church Establishment. For that purpose Parliament was required to place 8,000,000 of people under military rule, and out of the protection of the law. He asked the people of England to look to themselves. The proposed measure was calculated to keep up the Estimates. Not a single man of our large military establishments could be reduced with such a measure in prospect. The Government would want all the force they could procure. The opinions which he was now expressing were not the opinions of yesterday. He had stated them when the subject was less a matter of importance to England. He had then declared that the Irish had always been kept in the condition of a conquered people; that civil war had been promoted—that civil rights had been denied; and all for the maintenance of that which was the great blot in the institutions of Ireland—the Church Establishment.

Lord John Russell had not intended to address the House; but in consequence of the extraordinary and very violent attacks which had been made upon his Majesty's Ministers by the hon. member for Middlesex, he begged leave to say a few words. The hon. member for Middlesex talked of the change of opinion which had taken place on the Ministerial side of the House. He for one, on his own part, and he was sure that he might also answer for his hon. friends near him, was not conscious of

any change of opinion. No man, when he pretended to consistency, did more than state that the line of conduct which he pursued was consistent with regard to the object he had in view. The hon. member for Middlesex said, the object which he had in view was the total destruction of the Church Establishment of Ireland. That was an object which neither he (Lord John Russell) nor his noble friend near him ever had in view. What right then had the hon. member for Middlesex to call them inconsistent? In the course of the debate an hon. Member had done him the honour to refer to a former speech of his, in which he had characterized the Insurrection Act at that time proposed as a measure of oppression and injustice, leading the House to suppose that his former and his present opinions were directly at variance one with another. Probably such a change might be taken as a specimen of the manner in which accusations were supported. But if that hon. Member had referred to the beginning of the speech, he would find that he (Lord John Russell) had said, that there were circumstances in which he should consider the Insurrection Act in Ireland necessary. As a proof of this, he had then adduced facts that the Insurrection Act had been introduced several times, and he had never opposed it. But on the occasion to which the hon. Gentleman had alluded, he had maintained that, according to the evidence before the House, the Insurrection Act was not necessary; and being an enemy to any measure of extraordinary vigour, unless justified by necessity, he on that occasion, opposed it. Was it too to be maintained, that because he opposed the introduction of the Insurrection Act on that occasion, he was precluded from supporting it on an occasion when the circumstances of the case were entirely different? Although, in 1824, he opposed a measure because he considered it unnecessary, he was surely not liable to the charge of inconsistency, if, in 1833, and under very different circumstances, he supported the same measure, considering it to be, as his noble friend had termed it, the least of two evils—a measure which, while it caused a temporary suspension of liberty, was calculated to restore that public peace which was the foundation of all liberty. Whenever he had been the advocate for religious liberty with reference either to this country or to Ireland, he meant a re-

ligious liberty equal to all. He never meant that any portion of the people should be deprived, for the sake of any other portion, of the power of acting according to their own discretion; he never meant that the Protestant who, in his conscience, thought it his duty to pay tithes to the Protestant Clergyman, ought to have his life threatened, and his house burned, for his opinion. Without inconsistency, therefore, he might support the measures now proposed with respect to Ireland. He wholly denied, that the argument of the hon. member for Middlesex had the slightest basis; and he hoped that that hon. Gentleman would not again indulge in a strain so unbecoming to him, but would confine himself to these economical speculations so peculiarly suited to the character of his mind. When the hon. Member attempted these new flights, it reminded him of one of the heroes in the "Dunciad," who, having—

"——climbed a stranded lighter's height,
Shot to the black abyss, and plunged downright.
The serious judgment all the crowd admire;
Who, but to sink the deeper, rose the higher."

Mr. Finn observed, that he was astonished at the noble Lord who had opposed the Insurrection Act in 1824, because there was no evidence of its necessity; yet now, without a tittle of evidence whatever, the noble Lord was, it seems, prepared to approve, not only of the Insurrection Act, but of measures of still greater severity. He would, as a Catholic, frankly declare it as his opinion, that tithes had long constituted a serious nuisance in the long catalogue of Irish grievances, and that the conduct of those clergymen and magistrates who were in the receipt of them had (and who could wonder at it?) earned for themselves the execration of the people of that country. The gentry had been, for a series of years, in the constant habit of going about in the Irish towns and villages, insulting the religion to which the greater portion of the people belonged, and abusing the priesthood to which those people were naturally and fondly attached. The only matter for surprise was, that the people of Ireland had so long and so patiently endured the monstrous and intolerable burthen of the tithe system. They had been finally provoked to resistance, and now fault was found with them because they took the right hon. Secretary opposite at his word; and when he spoke of the "extinction of

tithes," in their dull Hibernian intellects, they assumed that he meant that tithes were to be put an end to altogether. He would state to the House, for he had the fact from several gentlemen of respectability and local information on the subject, that the impression was, at the time, general in Kilkenny, and various other places in Ireland, that the present Government viewed the anti-tithe meetings which were so universally held, with a favourable eye, as being calculated to afford them a justification for bringing forward their contemplated measure of Church Reform. They were told, that these measures of coercion were intended to put down murders and robberies in Ireland. If that indeed were their object, upon the cordial assistance of no Members could his Majesty's Ministers calculate with more certainty than upon that of the hon. friends who sat around him. But that was not the main object of the measures in question—their main object was, to put down public opinion in Ireland, and to extort tithes at the point of the bayonet. For three centuries they had endeavoured, and endeavoured in vain, to extinguish the Catholic religion in that country—they were now about to enter upon a similar crusade to put down public opinion there; but he would tell them beforehand, that equal success would await their efforts. They would, forsooth, stifle by force the public sentiment as to the repeal of the Union! Their very attempt to do so would only excite a more general feeling in favour of that measure, for it was in human nature to resist coercion, and to spurn at oppression. It was, to say the least of it, mere drivelling policy to resort to force and violence—to the brutal arguments of overpowering despotism, with the view to crush the opinions of a whole people. He would tell them that the police of Ireland were not to be trusted; they lived upon the distresses and disturbances of the country. He felt it his duty to express his execration of the measures of coercion that were now brought forward by the Government. Such measures were calculated to wrench asunder the last link by which Ireland was morally connected with this country. The Irish had no inducement to remain connected with England save to enjoy equally with Englishmen that liberty which they possessed, but which they selfishly cherished for themselves alone, while they would seem to think that the Irish were unworthy

to partake of its blessings. The Irish Members had been taunted with the corruption and the profligacy of the Irish Parliament. It was English gold and English policy that had steeped that assembly in corruption. From 1782 till 1792, the brief but glorious interval of the independence of the Irish legislature, no country in Europe made so rapid a progress in arts and arms, in commerce and manufactures, in everything that betokened civilization and attended upon prosperity, as Ireland had done. But England, by a corrupt and crooked policy, once more regained the ascendant, and the result was that Ireland was trampled under foot, and her national independence utterly extinguished. He would tell the representatives of England, that the Irish people would continue connected with them upon equal terms, and upon no other. They would grant to them no exclusive rights of supremacy and dominion. The people of Ireland must have fair play; they must have equal rights with their fellow-subjects in England. They would never endure that the people of England should continue to play the imperious master, while they should be the obedient slave; that England should rejoice in the plenitude of constitutional freedom, while Ireland should be sunk in the depths of miserable servitude. If Parliaments should go on legislating in the manner that it was proposed now to legislate with regard to Ireland, he feared that that wish which at present generally prevailed in that country for a Repeal of the Union would be merged in a sentiment of deep and deadly hatred towards England, which would be looked upon as an overbearing tyrant and oppressive taskmaster, and that at no distant day the melancholy result would be witnessed in the total dissolution of the empire.

Report of the Committee of Supply agreed to.

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HOUSE OF LORDS,  
*Tuesday, February 19, 1833.*

MINUTES.] Petitions presented. By the Bishop of WORCESTER, from Guilford; St. John's, Southwark, and from a Dissenting Congregation at Waiworth; by the Bishop of LONDON, from Derby, Harrowgate, Somerby, Burrow, and Hampstead; and by Earl BATHURST, from Tillycultry,—for the Better Observance of the Sabbath.—By Lord BEXLEY, from the Jews resident in and near London, for a Participation in all the Civil Rights and Franchises of other Subjects.—By the Earl of RODEN, from Idle, to Limit the Hours for the Employment of Children in Factories; by the same from Preston.—By Lord DINORBEN, from Denbigh,—for the Abolition of Slavery.

SUPPRESSION OF DISTURBANCES (IRELAND).] Lord *Teynham* said, that previous to the awful and important measure for suppressing disturbances in Ireland, going into Committee, he wished to say a few words on the subject. He considered that Bill to be a violent and dangerous infringement on the liberties of the people of Ireland. The execution of it, too, would be confided to irresponsible officers. He thought, at least, that an administration of these great powers ought to be placed in the hands of those who were more within the influence of the law; it was, therefore, his intention to submit an important Amendment in the Committee, to which he hoped Ministers would accede.

The Duke of Cumberland rose to Order. This was not the proper time to make such an amendment.

Lord *Teynham* said, that he had also a Motion to make at the present moment. He wished to move for a list of his Majesty's Privy Council for Ireland. He thought the country ought not to be proclaimed without the signatures and responsibility of at least six members of the Privy Council. Nothing could be more objectionable than that such powers should be confided to the Lord Lieutenant. He was willing to give his humble meed of praise to the noble Marquess at the head of his Majesty's Government in Ireland, and he did not doubt that he would use those powers with due mildness and forbearance. But the noble Marquess had not a patent of perpetual Lord Lieutenant. He would not remain at the head of that Government for ever, and they knew not what sort of a governor would follow him; they might have a tyrannical governor—they might have one like Sir Hudson Lowe. Looking to such a possibility, he begged to move an "Address to his Majesty for a list of the Privy Council in Ireland—their residence and abode in Ireland, and the number of times they have attended during the year 1832." It was most material that their Lordships should be in possession of this information, because he believed it would appear, that, although the Bill stated, that the proclamation was to issue with the advice of the Privy Council, most of the members of that Council were resident in England. He, therefore, hoped, that, in the Committee, the noble Earl at the head of the Government would—for the purpose of preventing abuses under this Act—allow of the introduction of an Amendment, to the effect that every pro-

clamation must be agreed upon by the Lord Lieutenant, with the advice of not less than six Privy Councillors.

The Duke of *Wellington* expressed his surprise at the tone in which the noble Lord spoke of one of the most respectable officers in the service. He was surprised that he should throw out such insinuations against a meritorious officer in his absence. The noble Lord said, that the present Lord Lieutenant of Ireland might be succeeded by some Sir Hudson Lowe. Now, he had the honour of Sir Hudson Lowe's acquaintance, and he knew that there was not a more meritorious or respectable officer in his Majesty's service, nor one more generally esteemed by those who knew him.

Lord *Teynham* said, he certainly was amenable to the noble Duke's observations. He had, however, no intention of aspersing Sir Hudson Lowe's character. He had no doubt that his private character was most excellent; but he could not, under such a challenge, stand in that House and perform his duty, if he did not state, that Sir Hudson Lowe, as Governor of St. Helena, had acted in that capacity in a manner which caused all Europe to cry shame upon him—as a man not fit to be trusted with such authority.

Earl *Bathurst* said, perhaps, by prolonging the conversation, it was giving too much importance to the subject, yet he could not sit still and hear such an accusation as that brought forward by the noble Lord, without rising to offer a word in defence of his gallant friend. He most distinctly denied the truth of the accusation. That gallant officer had performed his duty in a manner which redounded to his honour, and his character was without a stain.

Earl Grey moved, that the House should then resolve itself into a Committee on the Bill for Suppressing Disturbances in Ireland.

Lord *Cloncurry* said, that he was desirous of making a few observations upon the measure before the House went into Committee. No circumstance would be better calculated to make a strong impression upon the misguided Irish people than the knowledge that the Supreme Court of Legislature in the kingdom expressed its indignation at the conduct which they were in the habit of pursuing, and its determination to suppress outrage of every kind. It was incumbent upon him, as an Irishman, more especially, perhaps, as the only Irishman present, who, unfortunately,

had frequently been called upon to act as a Magistrate under the Insurrection Act, that he should for one moment call their Lordships' attention to one or two particulars. If he did not feel this to be a paramount duty, he certainly would not, at this stage of the business, occupy one moment of their Lordships' time. If it were possible to get the people of his country—if it were possible to get the country gentlemen and the Magistrates to adopt the system of unanimity which had prevailed in that House during the discussions on the Bill in question, the outrages in that country would soon cease. He was sorry, however, to say, that those persons who should have first set the example of determination and presence of mind, were frequently the most deficient. It was certainly an extraordinary thing that he, a Magistrate, and one who had acted as a Magistrate for twenty-eight years, and having a deep stake in the country, should at once admit the merits of the Bill now introduced, and by which the powers of trial would be vested in every case in the hands of young officers of twenty-one, almost strangers to the country. Such an admission was a great proof of the merits of the noble Earl's Bill, which he believed to be, in many respects, better than the Insurrection Act. Out of thirty-two counties in Ireland, only six or seven were in a state of frightful disturbance, and these disturbances had diminished even within these few days. When those disturbances had first commenced, and before they had attained to so frightful an extent, they might have been put down without much difficulty, if the Magistrates had only done their duty. He was connected by property with Carlow, one of the disturbed counties. Kerry and Queen's County were also disturbed. When the disturbances began there, the Magistrates wrote to him—knowing, perhaps, his experience under the Insurrection Act—for his opinion. He said to them it was impossible that the farmers—the industrious classes—the well-disposed portion of the community—could be willing to submit to such bandit dictation. He advised them to arm those people—to call out the constabulary force, to which they were to be added—to act under the orders of the Magistrates, and adopt vigorous measures for nipping the disturbances in the very bud. The Magistrates, however, refused to enrol any men as constables, except those who were chosen by themselves. The people said, take us as



we stand upon the Sheriff's books, as rate-payers, as persons liable to serve on Juries, and we will not object to be enrolled. The Magistrates, however, refused to do it, and here they had lost the opportunity of suppressing the disturbances of Ireland by means of that best of all civil forces which had existed from the days of Alfred. In consequence of this neglect, the necessity for more severe measures had arisen. It was certainly hard that the faults of these persons should be visited upon people who had fallen into crime more from ignorance and poverty than anything else. A late Chief Secretary of Ireland, who, he believed, differed in religious opinions from himself, had prepared nineteen bills for the relief of Ireland. The circumstances connected with the great charter of our liberties, which his Majesty's Ministers deemed it expedient to carry, of course, prevented that Gentleman, who was a military man, from bringing them forward; but he firmly believed, that if the measures with respect to Ireland, which Sir Henry Hardinge had proposed when in office, had been carried into execution, the present frightful state of things would not have arisen. One part of the proposed Bill, to which he begged leave to advert, loudly called for reprehension. Many of their Lordships were, doubtless, aware, that there were few women more distinguished for delicacy of feeling, and purity of conduct, than the females of Ireland. He begged their Lordships to conceive a nocturnal search by the police. It might be a subject of laughter to their Lordships, but it would be the cause of many a wail in Ireland. Englishmen did not require to be told by him, that the females of Ireland possessed the feelings of modesty in as great a degree as their own country-women. How would their Lordships like their wives, or their sisters, to be visited at night in such a manner by an insulting and brutal police? This power might be much abused, and, therefore, it was his intention to move in the Committee, that when those to whom the power of search was given by the Bill, came to a house, and called on the names of those who ought to be in it, those who did not answer, should be deemed absent. By this means, that great power which was given by the Bill would be less noxious; those domiciliary visits, even in the present state of Ireland, could not be allowed. Great care ought also to be taken, that the power of proclamation should not be perverted. Some instances had come to his

knowledge of the manner in which this power had been abused under the last Insurrection Act. He had known an admirer of female beauty to transport a brother, or a lover, who stood in his way, for no other offence than that. He had also known a debtor Magistrate transport, or imprison, a creditor, because he had asked for his bill. He had known a most respectable man, residing on the borders of one of the proclaimed districts, and who passed the boundary after the limited time, for no other purpose than that of paying the wages of his man, taken up and committed to prison for three months, though, upon representation to the Lord Lieutenant, he was afterwards released. He hoped, therefore, due care would be taken to guard against the abuse of this power, as it was most important, that the innocent should in no case be confounded with the guilty. He had read, within the last two days, a report of two transactions which took place in the county of Clare, that well illustrated the sort of spirit which existed in those districts. Two priests of parishes in that county complained to the Under-Secretary of State for Ireland of the conduct of some missionaries in their parishes; and Sir William Gossett returned for answer, after a period of ten days (it having taken that time to make the necessary inquiries and to ascertain that some feelings of irritation did exist), that he had desired that the police might no longer afford protection to these itinerant preachers. He would also beg to refer their Lordships to the correspondence, lately published in the newspapers, which had passed between a Roman Catholic priest and the Under-Secretary for Ireland, Sir William Gossett, as an instance of the improper conduct of the police. But he was ready to admit, that it was impossible for the Government of this country, or even the Government of Ireland, to watch the conduct of all their subordinate officers. As a further proof of the prejudiced spirit that prevailed amongst the underlings of authority in Ireland, he would appeal to the Lord Lieutenant of Kildare, and ask, whether an inferior officer of police in that county had not dismissed several Catholics from his force, and replaced them by Protestants from the North of Ireland? When the whole Administration was thus poisoned through its inferior grades, it was totally impossible for the Viceroy, whatever his talents and vigilance, to counteract that uniform bias, or compel the subordinate

authorities to behave in such a manner as to produce satisfaction to himself and advantage to the country. The noble Marquess was strongly and sincerely inclined to conciliate the affections of the nation to Government, and rule them to peace and order, and from his known impartiality and generosity, he was very likely, as far as he himself was concerned, to succeed; but while the inferior places—whether from a predetermined system, or mere carelessness, he (Lord Cloncurry) did not know—were filled with persons of a very different character, it was quite impossible that the country could be happily or peaceably governed. He trusted, that the severity of the law would be still mitigated. The people, generally speaking, were innocent; but he had no objection that those individuals who had exaggerated and excited their feelings, should be tried and punished with rigour. At present, there was violent excitement in Ireland. The evils of absenteeism were loudly complained of; but if the Irish gentlemen applied themselves, with a steady and uniform hand, to the correction of the prominent distresses of the country, they would ensure the restoration of tranquillity, and of the course of strict justice.

The Earl of *Wicklow* rose, not to follow the noble Lord in the most strange and incoherent strain of declamation he had ever heard, but to repel the most unfounded accusations against the Irish Magistrates, which had, he believed, ever been made. He could not hear such aspersions without giving them his most unqualified contradiction. He certainly had not as much experience of disturbances as the noble Lord, nor had he lived in such disturbed times; but this he knew, that a more honourable or highminded body of men than the Magistracy of Ireland never existed. Though his life had not been as long as that of the noble Lord, yet he had lived long enough to know the conduct and deportment of the body alluded to, and he was, therefore, enabled to state, that there was no instance, even in the hardest times, when they had failed to discharge their duties honestly and honourably. When the noble Lord should have reflected upon his accusation, he must become aware of its injustice. Those who knew the country and the noble Lord, were satisfied that the Magistracy were not deserving of blame.

The Marquess of *Westmeath*, though unwilling to prolong the late conversation,

must observe, that when motions were made last Session on the state of Ireland, it was anxiously requested that the powers to be then conferred should not be delegated to the parties praying that inquiry. Much obloquy had been cast on the Irish Magistrates, but he had never seen or heard one instance of oppression by them. It was said, that if they had sworn in the respectable inhabitants as special constables, outrages might have been stopped, but that had been tried without effect; indeed, how could it succeed, when the very police were murdered while performing their duty. Not more than three months since, a gentleman's steward returning from Mullingar, at four o'clock in the open day, was killed: his eyes were torn out, and his brains scattered about the neighbouring hedges. There were four houses not twenty yards distant from the spot, and yet, when Sir Richard Levinge assembled the constabulary, and tried to discover the perpetrator, the inhabitants of those houses actually attempted, despite the evidence before them, to prove that no such murder had ever been committed, while in this, or any other country in the world, the people would have endeavoured to forward the ends of justice.

The Earl of *Limerick* vindicated the conduct of the Magistrates in the Queen's County from the aspersions of the noble Lord opposite. Of Lord De Vesci, in particular, he could declare that he was inferior to no man in intrepidity and energy. The noble Lord (Lord Cloncurry) had alluded to a correspondence maintained with two priests—with two priests, he repeated—from which it appeared that some Methodist preachers, by interfering with the meetings of the people at chapels and funerals, had produced much disturbance. This the priests had tried to check, but unsuccessfully; and they asked, how was it possible that peace could prevail while such proceedings were permitted? Such a statement came with peculiar grace from the noble Lord, connected as he was with the county Carlow, where an excellent seminary existed—where an establishment was formed of individuals who excited the lower orders to insurrection.

The Earl of *Cloncurry*, in explanation, observed, that he had maintained no correspondence with the priests in question. It existed between them and Sir W. Gossett, who had answered their application after due inquiry.

The House resolved itself into a Committee.



The discussion commenced with the first Clause, authorising persons, under the present Act, to enter any house where they might have reason to suspect that an unlawful meeting was held.

Lord *Wynford* proposed to introduce a proviso, that the authority already possessed by Magistrates in the case of seditious, riotous, or unlawful meetings, should not be curtailed by anything in the present Bill. It was framed upon 10th George 4th, and he intended to move, that two or three omitted clauses should be then inserted. By one, his Majesty's Government, when they received information that an unlawful meeting was about to take place, were authorised to seize the funds collected for such meeting. By the other, the Attorney General was empowered to institute legal proceedings against the holders of them, and to recover double the amount subscribed. Great mischief had been done in Ireland by public subscriptions. Money had been called the sinews of war, and he would say it was the sinews of mischief.

The Lord Chancellor said, that he had no objection to the introduction of the proviso, though the general saving clause effectually prevented the possibility of trenching on the present powers of Magistrates. He would not oppose his noble and learned friend's Motion; but he thought it wholly unnecessary.

Lord *Wynford* would, upon consideration, withdraw his Motion.

Motion withdrawn.

The 3rd, 4th, 5th, 6th, and 7th Clauses were severally agreed to.

On the 8th Clause being read,

The Earl of *Harrowby* thought it necessary to enact that, in a proclaimed district, no bells should be rung except at the usual hour of Divine Service, and that bonfires should be strictly prohibited. Any person violating that clause should be deemed guilty of a misdemeanor, be tried and convicted under the present Act.

The Earl of *Wicklow* perfectly understood the noble Lord's intention in inserting those additional clauses; but he (the Earl of *Wicklow*) had an objection to make to the first. At present priests were in the habit of having bells in their chapels, and causing them to be rung. To this no objection was made, though he believed the practice quite illegal. If, however, a clause to the effect proposed were introduced, it might legalise the use of bells in chapels, which was at present unlawful. He thought it right to state this to the House.

Earl *Grey* said, that as so much injury had been done by the use of horns and bells, he had no objection to the introduction of the clause. He admitted that fires had been used as beacons, but he believed that, by laws which already existed—as, for example, some which referred to smuggling—bonfires were prohibited. He was friendly to the object of the clause, but he thought, by examining existing Acts, it might be made more effectual.

Lord *Ellenborough* was also friendly to the clause, but he was sure that, in its present state, it would not answer its purpose.

Lord *Beresford* referred to the bonfires at Carlow, which, he said, had been the means of collecting together many thousands. He was quite sure that the use of such signals ought to be prohibited.

Earl *Grey* here referred to the Smuggling Acts, and read a clause from them, which, he thought, might be introduced.

It was agreed that a clause should be prepared to meet the views of Lord *Harrowby*, before bringing up the Report, and then added to the Bill.

On the 10th Clause, appointing Courts-martial,

Earl *Grey* referred to the Amendments placed in his hands by the Duke of Wellington. After giving them due consideration, he had no objection to that part of the Amendments which provided that the President of the Court-martial should not be under the rank of a field-officer. As to an approval of the proceedings of the Court-martial before sentence was carried into execution, he was afraid that it would occupy too much time. A great deal depended in such cases on the celerity with which the sentences were carried into execution. It was the case with naval Courts-martial, that they carried the sentence immediately into execution, while military Courts-martial required the consent of the King, or some one authorised by him for that purpose. He was disposed at first to adopt the practice of naval Courts-martial; but, on considering the peculiarities of the case, he would assent also to this part of the Amendment. He had no personal objection either to the noble Duke's proposal of stating that the authority of the King is given to the Lord-lieutenant to hold Courts-martial; but he believed that it was unnecessary. He thought that it was clearly provided for by the Bill. He should wish, therefore, to leave out the declaratory part, or preamble of the noble Duke's Amend.

ment, to save the prerogative of the Crown, as not required. The noble Earl then read the Amendment he proposed, to carry the views of the noble Duke into effect.

The Duke of *Wellington* said, that it appeared to him that the framers of the measure now before their Lordships had not been aware of the manner in which Courts-martial were constituted, and he thought it was desirable that it should be declared that Courts-martial derived their power and privileges from the King himself. There was also another part of this measure which he felt extremely anxious to amend; he alluded to the propriety of a distinct declaration as to the duties the officers serving in the army were to be called upon to discharge, because he felt that the army were not to lend their services in this respect more than was absolutely necessary. Their interference under such a measure as that now under consideration had become necessary, owing to the existence of such a state of circumstances as made it unsafe for other officers or for jurors to come forward in the performance of their duties. The object he had in view was, to confine as nearly as possible the duties that officers in the army were, under the provisions of this measure, called upon to perform, to those which they might be called upon to discharge at military Courts-martial for the trials of officers and soldiers; in short, that they should try none but under the orders of the Lord-lieutenant, and should cause the execution of no sentence they might pronounce, until its confirmation by the Lord-lieutenant should be first had and obtained. It was true, that in the case of naval Courts-martial it was not necessary that the same ceremony of review and confirmation should be gone through, but the practice and course was otherwise in the army; and referring their Lordships to the terms of the Act of Parliament under which Courts-martial assemble at all, he must say, that the greatest care should be exercised before these extraordinary powers were granted. It was under these circumstances he had suggested the Amendment in this respect to the noble Earl opposite, and he trusted he would acquiesce in the propriety of its adoption. He should contend that all Courts-martial should take nothing upon themselves beyond the mere trial of the parties charged, and the sentencing them in cases of conviction; but that the carrying into execution that sentence, and all that might follow, should only be done under the orders, and by the authority, of the Lord-lieutenant, or the per-

sons properly authorised on his behalf. He felt it not only important that officers should distinctly know their duty, but that there should be kept such a check upon them as would ensure its efficient discharge, and, therefore, it was, that he suggested the propriety of the Lord-lieutenant's reading and confirming the finding and sentence of the Courts-martial to be held under the provisions of this measure.

The Earl of *Wicklow* regretted one effect which would result from the adoption of the Amendment proposed by the noble Duke, because the result would be to retard the execution of the sentence of the Courts-martial. This was the more to be regretted, inasmuch as nothing (it was well known) had contributed more to restore peace and tranquillity, when similar circumstances had called for similar measures to be enforced in Ireland, than the promptitude and celerity with which prisoners convicted were sent off from the Courts-martial to the ships destined to bear them to confinement. The same effects, he thought, would not result from the system of delay which would originate if the finding and sentence were to be submitted to the Lord-lieutenant for his approbation.

The *Lord Chancellor* was aware that, in these unhappy circumstances, the celerity with which the punishment followed the trial was of considerable importance; at the same time, there would not be that great inconvenience by referring the matter to the Lord Lieutenant which the noble Lord seemed to apprehend. In fact, after the trial was concluded, the court might adjourn for a day or two, as on other occasions courts adjourned over Sunday, and meet again when they received the confirmation of the Lord Lieutenant, which they would then pronounce as the sentence of the court, and that sentence might be immediately carried into effect. Sending the proceedings of the court to the Castle, or wherever they were to be confirmed, while the prisoners were still in custody and not allowed to communicate with their friends, would not therefore occasion any great inconvenience or delay. He apprehended that the inconvenience which the noble Earl dreaded as diminishing the effect of the Bill, would not arise from assenting to the noble Duke's Amendment. With respect to the observations of the noble Duke relative to the prerogative of the Crown, he could assure the noble Duke that it was in the Bill neither abandoned nor trenched upon.



Earl Grey wished to observe, that, besides the general saving of the King's prerogative in the Bill, it should be considered that the Lord Lieutenant of Ireland held all his powers as the King's Representative, and any power given to the Lord Lieutenant was given to him as the representative of the King; and it could not, therefore, trench upon the King's prerogative. He must still object to the preamble, or declaratory part of the noble Duke's Amendment, as not necessary.

The Amendment, as proposed by Earl Grey, embodying the suggestion of the Duke of Wellington, with the exception of the preamble, was agreed to.

On the eleventh Clause being read, empowering these Courts to try all offences which might be tried by Courts of Oyer and Terminer, &c.

Earl Grey proposed an Amendment, as suggested by the noble Duke opposite, to the effect that no officer should be competent to hold the office of president of any court-martial who held a Commission below the rank of a field officer.

Lord Ellenborough said, that notwithstanding this Amendment, he had a question to put as to the construction of the clause now under consideration. The clause not only gave the courts constituted by this act the same powers and authorities possessed by courts-martial, but also all jurisdiction by law appertaining to courts of oyer and terminer, but no provision was made as to the mode in which the forms of the proceedings were to be regulated. In courts-martial, he believed counsel were not allowed to address the court, or put a question to a witness, except, through the president—a practice quite contrary to the regulations of courts of oyer and terminer, and gaol-delivery. He thought it would be desirable to state the practice intended in these cases to be followed.

The Duke of Wellington was not particularly acquainted with the practice of courts of oyer and terminer, but he well knew that courts-martial had the power, and did try all description of offences that could either be brought before a court of oyer and terminer or of quarter sessions; and those offences the officers constituting the court had competent authority to pass sentence upon, and to carry the same into effect, under the law of England, upon persons guilty of such offences. He was sure, that while officers in the British army would well understand the proceed-

ings of courts-martial, they would be comparatively ignorant of the proceedings of courts of oyer and terminer.

Lord Wynford suggested the propriety of striking out the words "oyer and terminer" with the sentence which followed.

Earl Grey would have no objection to insert words in the clause, providing that the proceedings of these courts should be according to the forms of courts-martial.

Lord Ellenborough wished that their Lordships should remember that this was an entirely new court which they were about to create, and care must be taken in introducing many Amendments, to make the whole consistent.

The Clause, as amended, agreed to, as was Clause 12.

In Clause 13, relating to the oath to be taken by the Judge-advocate,

Earl Grey proposed an Amendment, assimilating the oath to that required by the Mutiny Act.

Lord Carnarvon took the opportunity of objecting to detaining any person in prison under the stigma of an offence without trial. He contended that every person should be immediately discharged, if acquitted by the court-martial.

The Lord Chancellor said, that the courts-martial were not possessed of executive power: the prisoner could not, therefore, be discharged until proper application had been made to the Lord Lieutenant. Till his pleasure were known, it would not be competent in the court to dismiss the person accused.

Clause agreed to.

15th and 16th Clauses postponed.

On the 17th Clause being read,

Lord Wicklow protested against the enormous extent of the prerogative of mercy which was hereby vested in the Lord Lieutenant;—an extent which even the King had never been possessed of.

Lord Wynford said, that the complaints of the noble Lord would be just if the power of the Lord Lieutenant extended to all offences, but it only extended to the offences enumerated in the margin.

Clause agreed to.

19th and 20th Clauses agreed to.

On the 21st Clause being read,

Lord Ellenborough begged to ask the noble Earl if it was intended that any person guilty of uttering seditious speeches, within the proclaimed districts, should be tried by the common law Judges, and a Jury, or by court-martial?

Earl Grey said, that as the Lord Lieutenant had the power of putting down all seditious meetings within those districts, there would be no opportunity of making seditious speeches.

Lord Ellenborough said, that meetings might be legal, though the speeches delivered at them might be seditious.

Earl Grey thought, that sufficient provision was made by the Bill for any such occurrence.

Clause agreed to.

The 22nd Clause, which provides, "That every person who shall injure either the person or the property, real or personal, of any person who has appeared or shall appear as a Juror, witness, prosecutor, or otherwise, for the purpose of any prosecution, or any civil action or proceeding, for or by reason of anything done thereupon by such person, or who shall, by menaces or otherwise howsoever, deter or intimidate any person from appearing or acting in any such prosecution, or civil action, or proceeding as a Juror, witness, prosecutor, or otherwise, for the purposes of such prosecution, action, or proceeding, or from discharging his or her duty in that behalf, shall, upon conviction, be deemed guilty of a misdemeanour, and shall be sentenced to be transported for any term not less than seven nor more than fourteen years," was then read; upon which

Earl Grey said, that as offences against the person, might, in some instances, be of so serious a nature as to bring them within Lord Ellenborough's Act, he did not know but this clause, if left as it then stood, might be construed as taking away the capital nature of the offence. He would therefore propose, to do away with all ambiguity, that the following words be inserted: "Provided always, that every offence now deemed felony shall still be deemed felony; and every one found guilty of any such offence shall be deemed guilty of felony, and punished with death, anything herein contained to the contrary thereof in any wise notwithstanding."

Clause; as amended, agreed to.

On the 23rd clause, which provides that no act done in any of the proclaimed districts, in pursuance of any power or authority conferred by the Act, should be questioned in any court, civil or criminal, in the kingdom; and that the only courts to which officers, non-commissioned officers, or soldiers should be responsible should be courts-martial appointed by the Act, or courts-martial holden under any statute in

force for holding general or regimental courts-martial; and that such courts-martial should have full and exclusive cognizance of all such matters as should be objected against such officers, &c.,

Earl Grey moved as an Amendment, "That all officers, non-commissioned officers, soldiers, magistrates, or police officers, against whom any charge was made, might, with consent and under the authority of the Attorney General, be prosecuted in the courts of common law."

Amendment agreed to.

The 24th, 25th, and 26th Clauses agreed to.

On the 27th Clause being read, which enacts that, "in case of a writ of *Habeas Corpus* being sued out within three calendar months, by a person detained in custody under the powers of this Act, it shall be a sufficient return that the person so detained is detained by virtue of this act,

The Duke of Wellington suggested that, instead of limiting the provisions of the Bill to the particular districts which now were in a state of disturbance, it might be better to extend them at once to the whole of Ireland.

Earl Grey thought the propriety of extending the Bill to such districts as were tranquil, was very questionable. He conceived that it was better to limit it to the disturbed and proclaimed districts.

Marquess Camden concurred in the suggestion made by the noble Duke.

The Earl of Wicklow said, that the principle of the Bill was, that it should extend to those parts only in which it was considered necessary, and not that it should apply generally to the whole of Ireland. If the bill were made general it would have the effect, the moment it passed, of suspending the *Habeas Corpus* Act throughout the whole of Ireland, so that those districts which were tranquil would be brought under the operation of martial law as well as the disturbed districts. He thought that such was not the proposition intended when the Bill was introduced. He considered it better to leave it as it now was, especially as the Lord Lieutenant might, by the powers given him by the Act itself—should the state of insurrection become more alarming, or should he think such a proceeding necessary—extend its provisions over the whole of that kingdom. The great remedy was, therefore, provided by the Bill itself.

The Lord Chancellor contended that it was not necessary, and would be unjust to



extend the provisions of the Bill to such districts as were tranquil.

Clause agreed to.

Remaining clauses agreed to, and the House resumed.

HOUSE OF COMMONS,  
*Tuesday, February 19, 1833.*

MINUTES.] Papers ordered. On the Motion of Mr. GILLON, an Account of all Offices to which no duty is attached, or of which the duty is executed by Deputy, in the Army and Navy.—On the Motion of Mr. HERBERT CURTIS, the Number of Prisoners confined for Debt in the different Prisons in England and Wales, in the year ending Michaelmas, 1832.—On the Motion of Lord HENNIKER, the Amount of Duty paid in Great Britain during each of the years ending the 5th January, 1832 and 1833, on Tax Carts and Common Stage Carts; and of the Rates payable on the same, in the year preceding the passing of the 2nd and 3rd William 4th, cap. 82, and at the present time.—On the Motion of Mr. HUME, the Amount of all Fees and Stamp Duties payable on all Civil, Military, and Ecclesiastical Appointments to Offices of honour, profit, or trust, under the Crown: further, a List of all Clerks or others appointed for the first time to any Office under the Crown, since 30th May, 1830: the same of all Officers appointed in the Colonies: further, a List of all Officers at Home or Abroad, to whom Services of Plate or other Outfits are allowed at their Appointment: further, an Account of all the Expenses paid by the Commissioners of his Majesty's Treasury, for all Select Committees of the House of Lords, and Committees of the whole House, in each year since 1800.—On the Motion of Mr. KENNEDY, the Number of Causes decided in the Sheriff's Court of each County in Scotland, during the years commencing 31st May, 1831, and 31st May, 1832; also the Amount of Fees received by the Clerk in each County, during the same period.

Petitions presented. By Mr. SHAW, from the Solicitors and Attornies of Ireland, against the Stamp Duties on their Certificates; and from the Protestant Conservative Society of Ireland, for an Alteration of the Laws relative to the Qualification of Members of the House of Commons.—By Mr. GILLON, from the Working Classes at the Carron Iron Works, against Taxation.—By Mr. TOWNLEY, from Wisbeach, against the Election of Civil Officers taking place on a Sunday.—By Mr. BOLTON KING, from the Warwick Political Union; and by Mr. GROTE, from the City of London,—in favour of the Vote by Ballot.—By Mr. JAMES TALBOT, from the Inhabitants of Athlone, for the Right of Electing their own Magistrates; and by Mr. CALCRAFT, from Wareham, to the same effect.—By Sir GEORGE GREY, from Cavendish and Clare, Suffolk; by Lord WATERPARK, from Kirkcaldy, Brailsford, and other Places; and by Mr. HUMPHREY, from two Parishes in Southwark,—for the Better Observance of the Sabbath.—By Lord ASHLEY, from North Byerly and Bowling, to Limit the Hours of Working in Factories.—By Sir WILLIAM INGILBY, from Louth and Spilsby, against the Beer Act.—By the same, from Minting; and by Mr. HENRY GRATTAN, from Navan, against Tithes.—By Mr. OLIPHANT, from Perth; by Mr. STANLEY, from Hawkeshead; by Sir WILLIAM MOLESWORTH, from Bodmin; by Mr. ALEXANDER JOHNSTON, from Cupar and five other Parishes; by Mr. WILKS, from Ashburton; by Mr. RIPPON, from Gateshead; and by Mr. PEASE, from Stockton-on-Tees, for the Abolition of Slavery.—By Lord MORPETH, from Harrowgate; and by Mr. ROEBUCK, from Lyncombe and Widgecombe,—for the Abolition of the House and Window Taxes.—By Mr. HUME, from Johnshaven, for the Repeal of the Duty on Soap.

TREATMENT OF THE POOR.] Lord Henniker moved the Second Reading of a

Bill respecting the Employment of the Poor in the parish of Bosmere, Suffolk.

Mr. Harvey observed that he could not allow this Bill to pass without making some remarks on several of its provisions. Mr. Whitbread had formerly called the attention of the House to the subject; and he was glad to see the hon. member for Weymouth (Mr. Buxton) in his place, who had done more than any man living for the emancipation of slaves. He hoped that he would continue his exertions, and would equally oppose a system which seemed to be growing up for making slaves of children, and others, who were dependent on parochial relief. The Bill proposed to give to the Guardians of the Poor of this institution the power of letting out the poor to hire to perform harvest-work, or any other species of labour. The wages of such labour was not to be appropriated to the benefit of the parties who performed it; but was to go to the general fund for the maintenance of the parish poor. He hoped that those hon. Members, who were favourable to the abolition of slavery, would pay some attention to this subject. There was another clause of the Bill which, in his opinion, was an infraction of the principles of justice. It proposed to enact, that any guardian who was found to have embezzled any property belonging to the institution, should be dismissed from his situation, and fined three times the amount of the property embezzled. Thus, in the case of the guardian, embezzlement was made only the subject of a fine—a crime to be compromised by the payment of a sum of money. Now what was the case if a pauper were found to have committed a similar offence? Was he to be dismissed from the poor-house and mulcted? No. He was to be taken up and committed to the House of Correction at once. The superior was to be punished only civilly—the pauper was to be punished criminally. He made these remarks, in hopes that they might tend to direct attention to the matter, and to cause the points which he complained of to be corrected in the Committee.

Bill read a second time.

SLAVERY.] Mr. Oliphant presented a Petition, signed, as he stated, by 3,800 inhabitants of Perth and its neighbourhood, for the abolition of Slavery. The petitioners begged that the emancipation might be immediate. There was no man more convinced that slavery ought to be abolished than he was, but he feared instant abolition might lead to consequences that

the petitioners would be the first to regret. He was, however, clearly of opinion that some steps ought to be taken to make a commencement in that desirable object, that the public might have it in prospect that slavery would in the end be entirely abolished. He had most perfect confidence in his Majesty's Ministers, knowing as he did, and as the House did, that it was their wish to place (as far as practicable) the slaves in equality with the rest of our fellow-subjects. It ought, however, to be borne in mind that at this moment the whole produce of the West-India colonies was returned to them again in the shape of necessaries and comforts for the slaves. Proprietors of land in these colonies did not derive a single farthing of revenue (taking them as a body), and consequently, when any alteration should take place in regard to the treatment of the slaves, which might have the effect of diminishing the produce sent to this country, the slave would, exactly in the same proportion, suffer a diminution in the necessaries and comforts sent out to them from this country. He repeated that he had great confidence in his Majesty's Ministers, and would give them his support in any measure they might bring forward for the amelioration of the slaves.

Petition laid on the Table.

**CORPORATION OF NEWCASTLE.]** Mr. *Hume* said, he had been requested to present a petition complaining of great abuses in the Corporation of Newcastle-upon-Tyne; by which it appeared how much such abuses might affect not only persons living in the place in which they prevailed, but the community at large. The petition, which was signed by 1,500 persons, had been unanimously agreed to at a large meeting, at the Court of Guild. The number of inhabitants at Newcastle was 42,676; that of free burgesses 619; but of those burgesses, only nine or ten had any thing to do with the election of the Mayor and Aldermen of the town. The petitioners also complained of a misapplication of the revenue of the town. That revenue amounted to 34,000*l.*; and he begged to call the attention of the noble Lord, the Chancellor of the Exchequer, to the fact, that upwards of 20,000*l.* of that sum was raised by dues on shipping and coals; so that the other parts of the community were interested in the subject as well as the inhabitants of Newcastle. It appeared however, that, notwithstanding this large revenue, the Corporation of Newcastle had incurred a debt of 100,000*l.* It was also

stated that in the course of the last eleven years, 217,000*l.* had been paid among different members of the Corporation. The petitioners prayed for an early inquiry into all these abuses. The hon. Gentleman then moved that the petition be referred to the Committee above stairs on Corporations.

Sir *Matthew White Ridley* rose, not to object to the Motion, but on the part of the Corporation of Newcastle, to entreat the House to suspend their opinion until an inquiry had taken place on the subject. He repeated what he stated the other evening, that the Corporation were ready to meet the fullest inquiry which could be instituted into their conduct. He would say a word on one or two of the points which had been touched upon by his hon. friend. It was true that the election of the Mayor and Aldermen was as his hon. friend had described it to be; but that was under an express provision of the charter. The debt of the Corporation, for which they paid interest, was 46,800*l.*; the remainder consisted of annuities redeemable at half their nominal amount. A great part of the debt of the Corporation arose from their having been obliged, a few years ago, to build a bridge over the Tyne, at an expense of 50,000*l.*

Mr. *Cobbett*: I merely rise to say that I believe the corruption of the Corporation of Newcastle to be as great as it possibly can be.

**THE LORD'S DAY.]** Mr. Plumptre presented a Petition from Broadstairs, praying for an Act to compel the better observance of the Lord's Day.

Mr. *Cobbett* said, that a number of petitions had been presented on this subject, but he had not heard the prayers of any of them read.

The Clerk read the prayer of the Petition at length, complaining of the profanation of the Sabbath which at present prevailed.

Mr. *Cobbett* did not see anything in the prayer of the petition which the law had not already provided for. Perhaps the petitioners did not know that there was a law in existence which inflicted penalties on persons who carried on their ordinary calling on the Lord's Day. As to preventing profanation, he was sure that no law could be passed which would better effect the purpose than the laws now in being; and he was also sure that any further law on the subject would be productive of more mischief than good.

Mr. *Gillon* thanked the hon. member



extend the provisions of the Bill to such districts as were tranquil.

Clause agreed to.

Remaining clauses agreed to, and the House resumed.

## HOUSE OF COMMONS,

*Tuesday, February 19, 1833.*

**MINUTES.]** Papers ordered. On the Motion of Mr. GILLON, an Account of all Offices to which no duty is attached, or of which the duty is executed by Deputy, in the Army and Navy.—On the Motion of Mr. HERBERT CURTIS, the Number of Prisoners confined for Debt in the different Prisons in England and Wales, in the year ending Michaelmas, 1832.—On the Motion of Lord HENNIKER, the Amount of Duty paid in Great Britain during each of the years ending the 5th January, 1832 and 1833, on Tax Carts and Common Stage Carts; and of the Rates payable on the same, in the year preceding the passing of the 2nd and 5th William 4th, cap. 82, and at the present time.—On the Motion of Mr. HUME, the Amount of all Fees and Stamp Duties payable on all Civil, Military, and Ecclesiastical Appointments to Offices of honour, profit, or trust, under the Crown; further, a List of all Clerks or others appointed for the first time to any Office under the Crown, since 30th May, 1830: the same of all Officers appointed in the Colonies; further, a List of all Officers at Home or Abroad, to whom Services of Plate or other Outfits are allowed at their Appointment; further, an Account of all the Expenses paid by the Commissioners of his Majesty's Treasury, for all Select Committees of the House of Lords, and Committees of the whole House, in each year since 1800.—On the Motion of Mr. KENNEDY, the Number of Causes decided in the Sheriff's Court of each County in Scotland, during the years commencing 51st May, 1831, and 31st May, 1832; also the Amount of Fees received by the Clerk in each County, during the same period.

**Petitions presented.** By Mr. SHAW, from the Solicitors and Attorneys of Ireland, against the Stamp Duties on their Certificates; and from the Protestant Conservative Society of Ireland, for an Alteration of the Laws relative to the Qualification of Members of the House of Commons.—By Mr. GILLON, from the Working Classes at the Carron Iron Works, against Taxation.—By Mr. TOWNLEY, from Wisbeach, against the Election of Civil Officers taking place on a Sunday.—By Mr. BOLTON KING, from the Warwick Political Union; and by Mr. GROVE, from the City of London,—in favour of the Vote by Ballot.—By Mr. JAMES TALBOT, from the Inhabitants of Athlone, for the Right of Electing their own Magistrates; and by Mr. CALCRAFT, from Wareham, to the same effect.—By Sir GEORGE GREY, from Cavendish and Clare, Suffolk; by Lord WATERPARK, from Kirklangley, Brailsford, and other Places; and by Mr. HUMPHREY, from two Parishes in Southwark,—for the Better Observance of the Sabbath.—By Lord ASHLEY, from North Byerly and Bowling, to Limit the Hours of Working in Factories.—By Sir WILLIAM INGILEY, from Louth and Spilsby, against the Beer Act.—By the same, from Minting; and by Mr. HENRY GRATTAN, from Navan, against Tithes.—By Mr. OLIPHANT, from Perth; by Mr. STANLEY, from Hawkeshead; by Sir WILLIAM MOLESWORTH, from Bodmin; by Mr. ALEXANDER JOHNSTON, from Cupar and five other Parishes; by Mr. WILKS, from Ashburton; by Mr. RIPPON, from Gateshead; and by Mr. PEASE, from Stockton-on-Tees, for the Abolition of Slavery.—By Lord MORPETH, from Harrowgate; and by Mr. ROEBUCK, from Lyncolme and Widcombe,—for the Abolition of the House and Window Taxes.—By Mr. HUME, from Johnshaven, for the Repeal of the Duty on Soap.

**TREATMENT OF THE POOR.]** Lord Henniker moved the Second Reading of a

Bill respecting the Employment of the Poor in the parish of Bosmere, Suffolk.

Mr. Harvey observed that he could not allow this Bill to pass without making some remarks on several of its provisions. Mr. Whitbread had formerly called the attention of the House to the subject; and he was glad to see the hon. member for Weymouth (Mr. Buxton) in his place, who had done more than any man living for the emancipation of slaves. He hoped that he would continue his exertions, and would equally oppose a system which seemed to be growing up for making slaves of children, and others, who were dependent on parochial relief. The Bill proposed to give to the Guardians of the Poor of this institution the power of letting out the poor to hire to perform harvest-work, or any other species of labour. The wages of such labour was not to be appropriated to the benefit of the parties who performed it; but was to go to the general fund for the maintenance of the parish poor. He hoped that those hon. Members, who were favourable to the abolition of slavery, would pay some attention to this subject. There was another clause of the Bill which, in his opinion, was an infraction of the principles of justice. It proposed to enact, that any guardian who was found to have embezzled any property belonging to the institution, should be dismissed from his situation, and fined three times the amount of the property embezzled. Thus, in the case of the guardian, embezzlement was made only the subject of a fine—a crime to be compromised by the payment of a sum of money. Now what was the case if a pauper were found to have committed a similar offence? Was he to be dismissed from the poor-house and mulcted? No. He was to be taken up and committed to the House of Correction at once. The superior was to be punished only civilly—the pauper was to be punished criminally. He made these remarks, in hopes that they might tend to direct attention to the matter, and to cause the points which he complained of to be corrected in the Committee.

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for Oldham for having called the attention of the House to the subject, and expressed his concurrence in the statements made by the hon. Gentleman.

Mr. *Warburton* could not agree with the Report of the Committee of last Session on the subject. If that Report had merely declared that the labouring classes should not be called upon to work on the Sabbath, it would have met with his concurrence; but when it appeared that the object of the Committee was not only to put an end to all amusement, but to all that exercise so necessary to the smoke-dried population of large towns, he felt quite unable to concur in such an object. He thought that the Committee ought to be re-appointed, for the last Committee had taken evidence only on one side. Now evidence ought to be taken on both sides of the question; and he thought it would then appear that many of the statements made before the Committee of last year were wholly without foundation.

Mr. *Hume* recommended hon. Members to read the evidence of the Bishop of London upon the subject, which entirely concurred with the views he had taken, and did not sanction the measure about to be brought forward.

Colonel *Torrens* was convinced of the impolicy of any measure which tended to destroy the necessary recreation of the labouring population.

Mr. *O'Connell* felt satisfied, that they could not increase piety by Act of Parliament; nor could they enforce the love of God by legislative enactments. There were statutes at present in existence which inflicted punishments on those who carried on their calling on a Sunday. The morning of a Sunday, by a man of religious feelings, might be devoted to his religious duties, but the afternoon of that day was required by the labouring classes for relaxation. The course that had hitherto been pursued, tended very much to drive men into public houses.

Mr. *Wilks* recommended the re-appointment of the Committee.

Lord *Ashley* said, the deliberations of the Committee had been conducted with no view of abridging the recreations of the people. Their sole object had been to protect the conscientious observer of the Lord's Day.

Petition laid on the Table.

TITHE GRIEVANCE.] Mr. *Lalor* rose to present a petition from an individual named Brennan, belonging to the poorer classes, in the Queen's County, complaining

of harsh and tyrannical treatment on the part of the police. He stated, that the petitioner was a man of industrious and peaceful habits and that he was warmly opposed to the Whitefeet, who had, on one occasion, attacked his house. He, however, repulsed them, shooting one of the party. Three others he subsequently prosecuted to conviction. Yet this was the man the police selected for the unjust exercise of their authority. He verily believed the police were acting as the agents of higher authority, which was endeavouring to drive the people to such acts of desperation as might appear to justify those unconstitutional measures of coercion which they were now preparing for Ireland. The hon. Member then read a letter from Brennan, which complained of the police having put sentries on his house, in consequence of his having refused them admission, and stated that he was kept in the strictest and most vexatious custody—that he was denied even a drink of water—that the police would not suffer the cows to be milked, or dinner to be sent out to the labourers in the fields. The hon. Member also read a letter from the priest of his parish complaining of having his house searched by the police for arms. This was done under the authority of a warrant signed by Mr. Scott, a Magistrate, who, the hon. Member stated, upon the occasion of the last election, went to the uncle of a young man confined in gaol upon a criminal charge, and told him that if he would vote as he (the Magistrate) wished, his nephew should be let go free; but if he did not so vote let him mark the consequences to his nephew. The priest, he stated, complained that this act of the Magistrate was meant to insult him, and to put it out of his power to preserve the peace in the same manner as heretofore. The police, he added, behaved with great propriety, and expressed their sorrow at being sent on such an errand. The rev. gentleman also stated, that he had succeeded in obtaining fifty stand of arms from the peasantry, which he had given up to the proper authorities, but that, in consequence of the insult offered to him, he could not again think of receiving arms in his house. The hon. Gentleman begged particularly to call the attention of his Majesty's Government to these statements. He wished to show the spirit that actuated the Magistracy and the police in Ireland. Gentlemen who lived in England, where the poorest individual in the community could not be trampled upon any more than the richest, could have no idea of the use that was made

of power in Ireland and when they heard of outrages committed by the peasantry in Ireland, they ought not to be surprised at their breaking out into acts of violence, when they knew the injustice and persecution to which they were subjected. He hoped that these circumstances would operate as a cogent and powerful reason against giving powers beyond the Constitution, when it was seen how the present ones guarded as they were, were trampled upon.

Mr. *Stanley* said it was impossible for him to enter into the discussion of a question of the merits of which neither he nor the House had ever heard until this petition was presented. As well as he understood from the hon. member for the Queen's County, this complaint related to some conduct of the police, in the course of proceedings for the recovery of tithes, and the hon. Member had, he was sure unintentionally, conveyed an insinuation that the Government sanctioned the police in exceeding the law. If such an impression existed in the hon. Gentleman's breast, he could assure him that no impression could be more utterly unfounded. He did not mean at all to complain of the hon. Gentleman, for he was sure he had not brought the matter forward in any spirit of unfairness, or with a view to create a wrong impression; but he was sure the hon. Gentleman would see, on reflection, that whenever he had occasion to complain of the conduct of the Magistrates, or of those responsible for the control of the police, it would be more convenient if he would previously inform those who were so responsible, in order that they might be able to make the necessary inquiries, and give such an explanation to him as might prevent the necessity of bringing the subject before the House; or subsequently give a full explanation to the House. With reference to this particular case he would only say, that if the hon. Gentleman would intrust him with the papers to which he referred, he would make the fullest inquiry into both cases, and would give the hon. Gentleman the fullest explanation; and would then leave it to his sense of propriety, having received the explanation, whether he would give it to the House, as he had given the statement. He was sure the hon. Gentleman did not see the mischief which might arise from bringing charges of this description, which could not be rebutted on the moment, and of which a refutation could scarcely be given without the previous warning of a specific motion.

Mr. *O'Connell* said, never was anything more true than what had fallen from the right hon. Secretary as to the injustice of acting upon *ex parte* statements. He trusted the House would maintain the principle, and that when the measures of coercion to be proposed for Ireland were brought under discussion in that House they would reap the full benefit of it. Being on his legs, though he would not give a formal notice, he would mention his intention in case of any measure of coercion being sent from the other House to move for a call of the House on the day it should be proposed, and, if necessary, every day on which it might afterwards be considered.

Mr. *Lalor* would, in future, act upon the hint given by the right hon. Secretary for Ireland. When a complaint had been made in the case of Constable Miller, no redress had been given. These matters required more attention from the Government than he thought they had lately received.

Mr. *Fergus O'Connor* said, that he had sent an account to the right hon. Secretary, who could not, therefore, be taken unprepared respecting Miller, and he had heard that since he had done so, the inquiry he wished to obtain had not been granted, and the constable had been praised by the authorities. He wished to know whether the right hon. Secretary had received the communication, and if so, why he had not been communicated with?

Mr. *Stanley* really was not aware of having received any communication from the hon. Gentleman, and when it was said, that he was not taken unprepared, a great mistake was committed, for really he had never been taken more unaware. The hon. Member knew little of business when he imagined that on a general statement, unaccompanied by any name whatever of any of the parties, or of any place at which the subject matter of the complaints made were supposed to have occurred, an explanation could be instantly given. But to show how inconsiderately hon. Members sometimes complained, he might just mention, that a short time since a statement was made that the law was not fairly administered in Ireland, and the Government were called to account because a Grand Jury had ventured to ignore a bill sent before them by the hon. Member who made the complaint. As to the particular statement now referred to, he begged to say, that he had no recollection whatever of having received any communication from the hon. Gentleman.

Mr. *Ruthven* hoped, that whenever these



matters of complaint occurred, hon. Members would always be found to bring them under the consideration of the House.

Mr. *Grattan* said, it was the duty of Members to see that petitions sent by their constituents were duly laid before the House.

Mr. *Edward Ruthven* stated, that *Brennan* did apply to the Irish Government, but he got no redress. There was, therefore, no alternative but to come before the House. In the county of *Kildare*, which he represented, the system of *Whitefeet* had been introduced under the protection of the police themselves. That could be proved; at least, he knew that one of the individuals who had been known to be active among the *Whitefeet* was now in the police.

Petition to lie on the Table.

GRAND JURIES (IRELAND).] Mr. *Stanley* presented two Petitions from places in Ireland, praying for a revision of the Grand Jury System. The right hon. Gentleman then proceeded to bring forward his Motion on the subject of the Irish Grand Juries. In introducing that subject to the consideration of the House, he should occupy but a small portion of their time, as he had already called their attention to it, and had printed his Bills, in order that he might obtain from all those who were acquainted with the subject the benefit of their observations. The present system of Grand Jury presentments pressed most heavily on the industry of the people; there had been more complaints on that subject than on any other—there was, perhaps, none on which all classes of men were so united as to the evils to which it subjected the country; and yet the greatest difference of opinion existed with respect to the remedy to be proposed. Since the last time when the question was agitated in that House, he had done his utmost to become acquainted with the opinions of men of all political classes, in order to obtain information on the subject, but with no view whatever to bind them or himself to any particular opinion. He should not go into any great details in the statement he was about to make, for Irish Members were well acquainted with these details, and to give them now to the English Members for the first time would be useless; but as English Members required to have some statement of the

duties of an Irish Grand Jury made to them, he would merely quote the substance of a Report made by a Committee on the subject. "The Grand Jury in Ireland, in addition to their criminal functions, had the whole administration of the civil affairs of the country intrusted to them. They fixed the salaries of public officers; they regulated prisons and houses of correction; they levied funds for the support of hospitals; they made and repaired roads and bridges, and they framed accounts of the expenses incurred in these matters. They had, in fact, not only to transact the business which was usually performed by an English Grand Jury, but they exercised, at the same time, many of the functions of the English Legislature. They determined what public works should be undertaken—what price should be paid for them, and who were the individuals that should undertake them, and be responsible for their completion. They settled the amount of the local taxation of the county, and, under their direction, it was levied from the actual occupiers of the land." The Report which he had just quoted showed the broad points of difference between the English and the Irish Grand Jury systems. The evils which flowed from that difference were, perhaps, obvious enough; but, at the same time, in looking at the remedy to be proposed, the House must bear in mind that the jurisdiction thus exercised was of a mixed nature, criminal and civil. The Grand Jury were summoned as they were in England; but, being summoned, they had imposed on them the duty, or rather possessed the power, of collecting, expending, and controlling the local taxation of Ireland, which amounted to a sum of 940,000*l.* a-year. But, out of that, there were some sums which, though levied by the Grand Jury, were not controlled by them in the expenditure. He alluded to what were well known in Ireland under the name of *Compulsory Levies*. In every investigation he had given to that part of the matter, he had been led to the conclusion, that the whole of the expenditure of money thus levied compulsorily by the Grand Jury should be put under their complete control. There was one other part over which they had at present a complete control, and for the expenditure of which he thought they should themselves be accountable. He did not know whether by law Grand Juries were re-

sponsible; but every one in Ireland knew that, in fact, they were not so, and every Englishman was, perhaps, completely convinced of the same thing. He proposed that they should be made responsible. They exercised at present a control which was not subject to public opinion—their deliberations were carried on in private, and not under the eye of the public—their reasons for what they did were not made known—their presentments were in like manner secrets—and no check whatever could be placed upon them; they were able to divide themselves into individual committees, looking into each particular object which they wished to carry into effect, and the management of which was entirely intrusted to them by the Grand Jury, on account of their superior local knowledge. Without any intention of being corrupt, therefore, this necessarily led to corruption. It was impossible it should not be so. It was of the essence of the thing that it must. Again, the Grand Jury met in the Spring and Summer Assizes, to consider of the civil and criminal business of the county. They had but a limited period allowed them; so short, indeed, that it was impossible they could duly discharge all the important duties with which they were intrusted. He had never heard any charge of corruption against the Grand Jury in criminal cases. He had heard of it, with respect to civil matters, which, perhaps, might be excused, as it was impossible, considering the little time they had to look into each case, that they could give to each one a full deliberation. It was beyond doubt true, that, under the cover of the responsibility obtained by the sanction of the whole body on whom the odium, though not the benefit, of the corruption devolved, many very improper acts were actually perpetrated. What, then, were the points of his plan to obviate the evils, the existence of which he had thus sketched? In the first place, there was a want among the Grand Jury of that knowledge of practice necessary to expedite the details of business—in the next, there was a want of the effect of public opinion in checking the Grand Jury in the exercise of their rights—in the third place, there was a want of sufficient time for them to perform their multiplied functions—so that even with the best intentions it was very possible they might be sometimes wrong—and,

in the last place, there was that objection to the system arising from that broad and palpable inducement to corruption created by the Grand Jury having the power, not only of appointing the execution of public works, and the amount of expense that should be incurred on their behalf, but of appointing the individuals who were to perform, and to whom all the advantage was to be given. An instance of the mode in which corruption was exercised, in consequence of these powers of the Grand Jury, might be given in the making of roads. A gentleman who wanted a road made on his estate, or who wanted employment for his labourers, would make a presentment—a committee would be appointed—he would get his own name, and perhaps that of a friend, put upon this committee, and he would thus have the management of the whole affair. He would then employ his own labourers—would pay them out of the funds levied upon the county, and by these means would enable them to pay him out of the salary they thus received from the county at large a rent which depended not on the profits of the holding itself, but on the amount of the money he was enabled to procure them, on account of labours in public works. This was one of the points to which particular attention ought to be directed. Two years ago he had brought in a bill to consolidate and amend the laws relating to Grand Juries in Ireland. The utility of such a work was known to all who were conversant with the real state of Ireland. He now proposed, first, to make the necessary alterations in the system, and then to consolidate the result of these alterations into one Act, and this he did on account of the difficulty of bringing, in the first instance, all the required enactments into one measure. This was, he was happy to say, no party question. It was simply one of a practical nature, and the House would have to say whether it was or was not possible, with advantage to the country, to separate the civil and criminal administration of the laws in the functions of the Grand Jury? He was not prepared to submit to the House a measure for taking out of the control of the Grand Jury, more than a certain degree of the powers they exercised in the civil jurisdiction of the country. To do more, would not, he thought, be beneficial; nor did he believe that it would meet with the concurrence of the Irish Members. He felt



that the civil business of the country must suffer from being mixed, as it now was, with the criminal. He should be glad if it were found practicable to introduce any provision by which a more general representation of the various parts of each county could be procured. This was a matter of extreme difficulty, in consequence of the very different circumstances of the counties of Ireland; but he had prepared a clause, making it mandatory upon the High Sheriff to put upon the panel some one juror from each of the Baronies of the County, and afterwards to fill up the remainder at his discretion. He wished thus to secure to each part of a county, an opportunity of stating its case. The next complaint against the present system was, the want of publicity; and he proposed to remedy the evil in a manner which he thought would be satisfactory, by providing at once that every presentment should be separately canvassed in open Court, before it was decided by the Grand Jury. Although it was not his intention to remove from the Grand Jury, the ultimate control over the expenditure of the county, he wished that they should be checked in the exercise of this jurisdiction. The 59th George 3rd was passed with this object, and without stopping to inquire in what degree it had or had not been effectual, he should repeal the provisions of that Statute, and propose to separate the consideration of presentments chargeable upon counties at large from those which related to particular districts. The Grand Jury of the county for this purpose, was to appoint a day on which a Special Sessions should be held of all the Magistrates of the county, without distinction of qualification. This change would approximate the system to that of England—a circumstance at all times desirable, and which he hoped hereafter to see carried to such an extent, that the practice of both England and Ireland would exactly conform. The Magistrates were to meet on the day fixed, and any presentments first authorised by them, should subsequently be submitted to the Grand Jury; but any presentment negatived at this Petty Sessions should not come before the Grand Jury at all. Thus the Grand Jury would have the power of negativing what had been affirmed, but could not affirm what had been negatived. The benefit of this change would of course depend much upon the

credit due to the previous Court of Inquiry. And here he was about to suggest one of the most material improvements. One of the best proofs of the growing prosperity of Ireland was, that the farmers of that country were undoubtedly rising in the scale of society; they were obtaining a greater degree of intelligence and influence, and ought to possess a greater check over the public expenditure. He did not think it safe at present to introduce the principle of election: he thought it would lead to corruption, confusion, and irritation in the small circles to which it would necessarily be confined. He was not sure whether he had explained, that besides the Special Session to take into consideration, works chargeable upon the county at large, adjourned Sessions should be held in each barony or half barony, to consider the works, their expense, and expediency, for the particular district. In these Sessions, he would claim the authority and influence of the Irish farmers, and he thought that their local knowledge would peculiarly qualify them to sit as judges upon such subjects. He, therefore, proposed that the Grand Jury should fix upon a certain number of the highest rate payers—that half the names thus chosen should be drawn, and that they should sit with the Magistrates and aid in the preliminary decision. It would be seen that this was a considerable addition of power given to the class of farmers. The evils of irresponsibility in the disbursement of money were so clearly understood, that he need not expatiate upon them, and he proposed that from the Grand Jury the power should be taken away, of fixing who should perform the work on which they had decided. The question having been discussed at the Petty Sessions, and before the Grand Jury, and the nature of the work and the maximum of expenditure having been decided, there the functions of the Grand Jury ought to cease. A day ought then to be fixed, on which tenders should be made for the performance of the undertaking, and in every case, with very few and peculiar exceptions, the person furnishing the lowest tenders, on giving security, should have the contract. He (Mr. Stanley) had taken the liberty of circulating queries in order to ascertain the opinions of different persons well-informed on these and other matters connected with the subject, and a greater

diversity of opinion he never recollected ; but there was hardly a dissentient voice to the proposition, that the principle of tenders and contracts should be resorted to for public works of this kind. He believed that there was only one more material topic with which it was necessary to trouble the House. He should suggest the appointment in each county of an officer, whose duties would be important and responsible ; he must be an engineer, and approved by the Board of Engineers, and his situation would be that of County Surveyor. He would be required to attend Grand Juries and Petty Sessions, to report on the expediency and probable cost of any undertaking ; and perhaps no sums ought to be paid without the certificate of this responsible officer that the work had been properly performed. Further, he should be called upon to report to the Grand Jury, not only on contracts fulfilled, but on the progress of the public works in each county. From the appointment of such an officer, he (Mr. Stanley) anticipated the most beneficial results, while he believed, that the advantages would infinitely exceed the amount of his salary. He need not say, that this Surveyor must not be allowed to take any contract, or to have the slightest interest, direct or indirect, in any of the works he is appointed to superintend. Another point was of much importance, and the Committee to which he should submit the measure ought carefully to consider its details ; it was, that a provision should be made that in all leases the expense of the County Cess should be thrown, not upon the tenant, but upon the landlord. The tenant ought, in all instances, to have the power of deducting it from the rent ; and although landlords might find means to defeat this provision, inasmuch as Parliament could not control contracts of the kind between individuals, yet care ought to be taken that the tenant should be fully aware, at the time he entered into his engagement, of the maximum of burden he was taking upon himself. Inasmuch as the County Cess was fluctuating and uncertain, it ought not to be paid by the tenant, and such protection as legislative enactments could give, ought to be extended to him. It was but fair that the burden should be sustained by the party who was mainly instrumental in fixing the amount. The Baronial Sessions would have the power of deciding regarding

gulleys and baronial roads, and the contractors for the works ought, in all cases, to be paid in money, and not in goods, their accounts being always open to the inspection of the surveyor. When a part of the work had been satisfactorily performed, a part of the money to be paid for it ought to be advanced by the County Treasurer ; and although Treasurers did not come exactly within the scope of the Bill, it was indispensable that the known abuses that prevailed should, as far as possible, be remedied. Therefore it was his wish to introduce a clause, enabling the Session to appoint a Committee instead of a County Treasurer, and to advance sums for work performed from a fund to be placed in the Bank for the purpose. Too large balances had often been left under the control of County Treasurers, and defaulters had been numerous. At the present moment it was their practice to employ the public money in their hands in discounting bills, and in other modes, by which they consulted their private advantage, not unfrequently to the public detriment. Another question was not unworthy the attention of Parliament, although he had not introduced a clause concerning it in the Bill, namely, whether it was not expedient to take the great mail-coach roads of Ireland out of the control of Grand Juries, and to invest the whole in some public board. He only threw this out for consideration, for, as he had stated, he was not prepared with any specific proposition, although some progress had been made toward this end in the Public Works' Bill of the year before last. He had now gone through the whole of the points he proposed to submit to the Committee. The alteration of the present system might not, perhaps, go so far as some hon. Gentlemen might desire ; but he assured those who were anxious to go further, that his object had been to ascertain and reach that point on which the opinions of most men in Ireland coincided. He wished to introduce such amendments as were practicable, as well as desirable ; and no man would deny, that what he had suggested would amount to great and substantial improvements. Perhaps the greatest gain of all would be in the complete publicity given to the proceedings of Grand Juries. If the House should think that what he had offered amounted to valuable and serviceable amendments of the present system, he



should move for leave to bring in a Bill, and, in the proper stage, refer the whole subject to a Select Committee, in which he invited discussion, and should be prepared to meet every suggestion, and, as far as possible, reply to every objection. He should be extremely happy to obtain the concurrence and sanction of all whose local knowledge gave them the means of judging upon this important subject. He moved for leave to bring in a Bill to amend the Laws relating to Grand Juries in Ireland.

Mr. O'Connell wished to make only a few brief observations; and first he would remark, that in his opinion the right hon. Gentleman had understated the evils of the present system. It possessed all the deleterious ingredients that could belong to it, and encouraged jobbing by rendering it safe. It ought not to be forgotten, also, that it operated exclusively upon the occupiers of the soil, and was now admitted on all hands to be a cruel practical grievance. Some estates had been purchased, and many freed from encumbrances, merely by the owners sitting upon Grand Juries; and it at last became a point of honour not to vote against any gentleman's presentment. The main point on which he (Mr. O'Connell) differed from the right hon. Gentleman, was on the non-separation of the criminal and civil jurisdiction of Grand Juries. He saw no reason why the criminal jurisdiction of Grand Juries should continue at all; it appeared to him nothing but an absurdity, for a *prima facie* case ought to be made out before the offender was sent to prison. He should be glad, therefore, to see a Bill brought in entirely to abolish that branch of the duties of Grand Juries. As to the civil jurisdiction, the object of the right hon. Gentleman was to obtain a representation on a Grand Jury of each part of a county; and it was certainly true that the principle of a Grand Jury should be a principle of representation. The Grand Jury possessed the power of taxation, and they exercised it to the extent of one million out of sixteen millions, which was the whole rental of Ireland. He (Mr. O'Connell) contended, therefore, that every rate-payer ought to have a voice in the election of the Grand Jurors; for the Sheriff was irresponsible, and had no interest in making a good selection. Two persons in every barony ought to be elected by the rate-payers to sit upon the

Grand Jury of the county; and the right hon. Gentleman never would give satisfaction, until he introduced the principle of actual and virtual representation. He (Mr. O'Connell) protested against the universal admission of Magistrates to sit at Special Sessions, and objected to the qualification of only 300*l.* a year. Some of the details in the plan of the right hon. Gentleman he highly approved, but others he thought impracticable. It was idle to suppose, that he would gain anything by publicity, if, after providing for the open discussion of a question, he allowed the Grand Jury to retire, and in secret to decide. This was blowing hot and cold, and destroying the very principle professed to be established. These were matters that could be discussed in the Committee, as well as the futile attempt (for such he must with all respect call it) to throw upon landlords the payment of the County Cess. At best it could only be prospective, if it did any good; but he feared it would do much harm, by inducing the landlords of Ireland not to grant leases. He gave the right hon. Gentleman credit for many improvements of the Grand Jury Laws, and for the tone and temper in which he had brought them forward. Though differing from the right hon. Gentleman on some points, he still thought any attempt to improve the state of the Grand Jury Laws in Ireland deserved the favourable consideration of the House.

Mr. Lefroy said, he rose to add his meed to the approbation bestowed by the hon. and learned Member on the tone and temper displayed by the right hon. Gentleman, the Secretary for Ireland, in introducing the present measure. He could not, however, avoid expressing his regret that the hon. and learned Gentleman, the member for Dublin, should have permitted himself to cast such unmerited imputations upon the Grand Jurors and High Sheriffs in Ireland; but he (Mr. Lefroy) could not suffer that respectable class of persons to lie under the imputations thus cast upon them, without assuring the House that they were undeserved. The hon. and learned Gentleman stated, that Grand Jurors in Ireland had made fortunes by jobbing: a general charge of that nature was easily made; but it did appear to him that it would be more becoming, if the hon. and learned Member, in place of casting a general imputation upon an honourable and highly respectable class of

persons, had instanced a particular case and thereby given an opportunity to the House of judging upon what foundation he rested his charge. He had had the honour of holding his Majesty's commission on circuit for a space of eight or nine years, and having, consequently, had great experience of the manner in which Grand Jurors discharged their duty, he had no hesitation in stating, that he never saw anything in their conduct that could warrant the hon. and learned Gentleman in preferring the charge against them which he had made. He agreed with the right hon. Secretary, that Grand Jurors had not time for the discharge of the duties imposed upon them, but he denied that the decisions to which they came were influenced by partiality. Formerly, perhaps, such abuses might have existed; but, of late years, he emphatically denied that such imputations were warranted. With respect to the manner in which the High Sheriffs summoned the Grand Jurors, it was the invariable habit for the Sheriffs to summon gentlemen of the greatest wealth and respectability in the county. A certain number of these gentlemen were in each Grand Jury, but as new inhabitants came into the county, or as property fluctuated, new men were added to the panel. He would, therefore, assert, that never was a more groundless charge preferred against any body of men than that made by the hon. and learned Gentleman, the member for Dublin, against the High Sheriffs of Ireland. With respect to the proposal made by the hon. and learned Gentleman of doing away with the interference of Grand Jurors in criminal cases, he (Mr. Lefroy) trusted that so mischievous a novelty would not be listened to in that House. He was astonished to find the hon. and learned Gentleman, who talked so much of liberty, an advocate for doing away in criminal cases with so valuable a protection to the subject as rendering it imperative upon a prosecutor to make out a *prima facie* case before a person could be put on his trial. He (Mr. Lefroy) rejoiced to find that the right hon. Secretary for Ireland had not been led away by the fanciful speculations in which the hon. and learned member for Dublin had indulged, or disposed to introduce novelties at variance with our law, as well as at variance with common sense. Another novelty, which the hon. and learned Gen-

tleman appeared anxious to have introduced, was with respect to presentments. If the plan proposed by the hon. and learned Gentleman were adopted, the discussion upon each presentment would equal an association debate, and would occupy so much time that the business of the assizes could not be proceeded with. With respect to one of the clauses proposed by the right hon. the Secretary for Ireland, namely, of giving a right to farmers to vote, he would beg leave to suggest that, when coupled with other provisions of the Bill, vesting such a power in the farmers would be extremely objectionable. If nothing could be presented by the Grand Jury but what had previously passed at special sessions, and the farmers, who would always constitute a majority at the sessions, were to have votes there, it would, in effect, place the power of taxation in the hands of the farmers. He thought it would be, also, well worthy of consideration to inquire, whether it would be wise to confine to the special sessions the exclusive right of originating presentments. As, however, the right hon. Gentleman had intimated his intention of sending the Bill before a Select Committee, that provision, as well as others which he (Mr. Lefroy) considered open to objection, could be fully discussed. With respect to that portion of the plan which proposed transferring the payment of the cess from the tenants to the landlords, he saw great difficulty in carrying it into execution. He did not know how existing leases were to be dealt with. If a difference were to be made between the holders of present and future leases, dissatisfaction would be sure to arise, for one portion of the tenantry would be placed on a different footing from the other. It would be difficult so to legislate, as to future leases, as to prevent the provisions of the Act being evaded, as had been done in respect to tithes. If baronial presentments were left in the hands of the farmers, he thought it an additional reason why that portion of the measure should be subject to revision. It must, he thought, be admitted, that unless the House could legislate effectually, it would be better to have the law as it stood, and not force persons to deal in a particular way on a particular subject. The consequence of the proposed measure would be, that it would be evaded by the griping landlord, while the fair and conscientious landlord would alone suffer



under the hardship of the enactment. The hon. and learned Member concluded by stating, that the right hon. Secretary was entitled to the thanks of the Irish Members generally, for the fairness of his proposal.

Colonel Conolly said, he felt most happy in joining his meed of praise to that already bestowed upon the right hon. Secretary, and to which he (Colonel Conolly) thought him so justly entitled. The right hon. Gentleman had not only bestowed great labour upon the measure, but had, with great consideration, consulted men of all parties where practical knowledge enabled them to enlighten his mind upon a subject of such vast importance. He hoped the right hon. Gentleman would pardon him for the few observations he was about to make; but he (Colonel Conolly) must be permitted to deny the truth of the general imputation cast upon the conduct of the Grand Jurors of Ireland. The House, probably, was not aware that a great portion of the charges levied by Grand Juries in Ireland were of a compulsory nature, and that they were obliged to make presentments, without having a right of scrutiny; and yet the Grand Jurors were obliged to bear all the odium of the burthens laid upon the county, as if it were optional with them whether or no they should be imposed. As an old Grand Juror himself, he thought it incumbent upon him to vindicate himself, as well as those with whom he had had the happiness to act, from the imputation which had that night been cast upon the Grand Jurors of Ireland generally. It had been his fate, upon one occasion, to free the county which he had the honour of representing from an overcharge of 1,600*l.*; and he had invariably raised his voice against making a presentment for monies, without a scrutiny into the manner in which those monies were disbursed. The police establishment entailed a very heavy expense upon the counties. He did not, however, object to that expense. He thought the police a most admirable and efficient force, which mainly contributed to the preservation of life and property in Ireland. He regretted that a superannuated fund was not established for the purpose of rewarding those meritorious men. The system had been adopted in public offices, and might, he thought, be extended to the police with considerable advantage. With respect to the Lunatic

Asylums, they also entailed a very heavy expense upon the county. He thought a very expensive system had been adopted with regard to them—more so, indeed, than the exigencies of the case demanded. The quantity of relief afforded was not proportioned to the charge with which the county was burthened. The right hon. Secretary, in the course of his speech, had not alluded in any way to the expenses entailed on the several counties by the payment of the salaries of public officers. He was ready to pay all public officers liberally, but he thought the stipends allowed to the treasurers and clerks of the Crown and Peace, in some counties, too large; and, except in the county of Cork, he could see no reason why the salary should be doubled. He thought the present salaries were more than equivalent to the duties performed—they were, in fact, increased one-half by a recent Act of Parliament. He concurred in the view taken by his hon. and learned friend, the member for the University of Dublin (Mr. Lefroy), in deprecating that part of the measure which gave the farmers concurrent power with the Magistrates. He had great respect for the farmers; but he thought it not advisable to place them on the same bench, and give them the same jurisdiction enjoyed by the Magistrates. He would give the farmers an opportunity of expressing their opinions with regard to the necessity of the works to be undertaken, but he would not render their decisions conclusive. If the farmers were to be the cess-payers, the thing might be otherwise, but he could not see the security or advantage to be derived by making it compulsory upon the landlords to pay, and leaving the tenants the power of imposing the tax. If the person imposing the tax were to pay it—if the occupier of the land were the person to pay the cess, then he (Colonel Conolly) would give him extensive powers in imposing it. But as the matter stood, he was confident the right hon. Secretary would see the necessity of altering his plan. Both branches of his proposition, he thought, could not, in justice, be suffered to exist—let it be either one way or the other, and he (Colonel Conolly) thought the measure would prove most salutary. There was another point connected with the criminal jurisdiction of Grand Juries to which he begged leave to refer. He thought much good would be effected, if the period for

holding the assizes were more equally divided. He knew of an instance in one of the counties with which he was connected (Kildare), in which a man had been committed to prison shortly after the termination of one assize, and was kept in jail for nine months until the Judges again went circuit, when he was found to be innocent of the crime with which he was charged. If the Judges would go circuit towards the end of the long vacation, in place of at the commencement of it, the assizes would then be held regularly every six months—the convenience of the public would be consulted, and, as in the instance to which he had alluded, persons charged with crime would have an earlier opportunity of proving their innocence than they were afforded under the present system. There were various other points in the measure to which he wished to advert; but, as other opportunities would occur for his doing so, he should not trespass further upon the attention of the House at present. He could not, however, resume his seat without again expressing his general approbation of the measure, and of offering his personal thanks to the right hon. Secretary for introducing it.

Mr. *Fergus O'Connor* wished also to add his approbation to the praise already offered to the right hon. Gentleman opposite for the great improvements which he intended to introduce, but he could not help feeling some regret, that the right hon. Gentleman had not confined himself to remedial measures. The hon. and learned Gentleman, the member for the University of Dublin, had objected to the measure as one of novelty; he confessed that, for his part, he could not regard the character of novelty which it bore as detracting in the slightest degree from its merits. There did not, and there could not, exist any sound reason why we should not improve the state of our law, even at the expense of introducing some novelty. He was sure there was little to complain of on the score of novelty in that Bill, when they had before them such a striking novelty as the presence of the hon. and learned Gentleman himself in a Reformed Parliament. As to the proposition itself of the right hon. Gentleman, it had for the most part his approbation.

Colonel *Torrens* merely rose to offer the tribute of his humble approbation to the measure proposed by the right hon. Se-

cretary for Ireland. While he gave that approbation, he begged leave to say, that he did not entirely concur in all the details, and would, at another time, state the parts to which he objected. The ancient Grand Jury system was vicious, and should be founded upon one of Representation. Persons who held official authority in their several districts should be elected by those who had a voice in the Legislature. The gallant Colonel, after remarking that the converting of small farms in Ireland into large ones would tend to depopulate that country, was proceeding to propound his principles of political economy, when

Lord *Althorp* rose to order, and said, that as the hon. and gallant Member seemed to be travelling a little out of his way, he would find, perhaps, a more propitious time to make his objections to the parts of the measure that did not meet with his approbation.

Mr. *Finn* meant to be extremely brief, and wondered that there could be any Gentlemen who were of opinion that Grand Juries were immaculate. He had heard some hon. Members say so that evening, and it was the first time he heard such an opinion given in any company. He gave the right hon. Secretary for Ireland great credit for his proposed measure, and he trusted that it would be gratefully received by all classes in Ireland.

Mr. *John Browne* also thought, that the measure was one fraught with great benefit, and he begged to return his thanks to the right hon. Gentleman for proposing it.

Lord *Clements* said, that though he had to return thanks for the measure proposed, he could not refrain from denouncing the Grand Jury system as it had hitherto existed. He represented one of the smallest counties in Ireland (Leitrim), and he could say, that the roads of it were impassable, except in those parts of it where the Grand Jurors resided. There they were kept in such a high state of repair, that the county was not able to pay the expenses of them. He was aware that the right hon. Secretary might have proposed a more effective measure, but as the Bill would be a decided improvement, he would give it his support.

An *Hon. Member*, whilst he admitted the necessity of improvement in the Grand Jury laws, could not go to the full extent with those who absolutely condemned the



principle of Grand Jury assessments. He thought it would be a beneficial improvement if the Sheriff was bound to select persons from different baronies to serve on the Grand Juries, so that whenever a local improvement was proposed, it might be discussed, and either adopted or rejected by those personally acquainted with its utility.

Mr. *Pryme* admitted that the proposed Bill would be an improvement upon a bad system; but, discussing a question of that kind, might they not consider whether the institution of Grand Juries—in relation to their criminal jurisdiction—were beneficial? In his opinion, their assistance was perfectly unnecessary in the administration of criminal justice; and it was with some satisfaction that he heard the hon. and learned member for the city of Dublin throw out the idea; which was immediately and earnestly opposed by the hon. member for the University of Dublin, simply upon the grounds of its being a “novelty;” as if every change was not, at first, of necessity a novelty. It was said that Grand Juries were a protection to the innocent, but there was another object to be obtained by the administration of criminal justice—the bringing the guilty to justice. He appealed to every one who knew anything of the operation of Grand Juries, whether bills of indictment, containing very strong proofs against the parties accused, had not been thrown out by these Juries? Their inquiries were conducted in private, by men who were not lawyers: the case was seldom, if ever, fully brought before them; witnesses were often unwilling to attend, and the Grand Jury had no power to compel them; and even if they did attend, they were not pressed to tell the truth, as they were before a Magistrate; and the consequence was, that in many instances, offenders who ought to be brought to trial were allowed to escape. He could mention instances within his own knowledge in which crimes had escaped punishment merely from the circumstance of the Grand Jury being unacquainted with the law. A recent instance of this kind was fresh in his memory. A bill was presented against a person for arson. It was proved that he was not actually present at the fire but that he was near enough to watch it. That, by law, was sufficient to render him, constructively, guilty of the crime. The Grand Jury, however, because he was ten

yards off, and did not actually set fire to the stacks—ignored the bill. He was then admitted King’s evidence; and a second bill was presented against his companions as accessaries, but when called upon, he refused to say anything, and all the parties were acquitted. This was not a singular instance. The Grand Jury, perhaps, might have been valuable in early times when little communication existed between the different portions of a county, and when the Magistrates performed very different functions from those which now devolved upon them—in those times Grand Juries might have been necessary; but, in the present day, they were wholly unnecessary; they were an encumbrance—an impediment in the way of justice. All the protection which Grand Juries afford to the innocent—all the advantage derived from a man’s not being placed upon trial without sufficient ground—would be obtained by uniting two or three Magistrates together, and compelling them to make a preliminary inquiry. By such an arrangement the advantage of responsibility would be obtained. There was no process by which Grand Juries could compel the attendance of witnesses. The consequence was, that if any prejudice existed in any county, with respect to a particular transaction, persons would not come forward to give testimony, and a denial of justice was the result. For example, the outrage of 1819, commonly known by the name of the Manchester massacre was a state in point. The feelings of the Grand Jurors, to whom the indictments were preferred, were so hostile to those persons on whom these outrages had been committed, that every bill that was preferred against the yeomanry was ignored by them, and consequently the merits of that affair were never fairly brought before a Court of Justice. He hoped that the present Bill would prove beneficial to Ireland, although he could not help entertaining very considerable doubts on that head.

Mr. *Maurice O’Connell* expressed the satisfaction he felt at the explanation given by the right hon. Secretary for Ireland with respect to this Bill, which met with his cordial approbation.

Mr. *Fitzgerald* thought, that the measure of the right hon. Secretary for Ireland would give great satisfaction in that country, and that all the persons whose interests were likely to be affected by the

Grand-Jury system would be more particularly pleased with it. He had had many opportunities of acting on Grand Juries in Ireland for years. He was, therefore, well qualified to give an opinion relative to the present measure, which he thought would relieve persons who were in the situation of Grand Jurors there from a weight of responsibility which it was impossible for them to exercise with satisfaction to themselves or their countrymen. He admitted that there did exist some abuses in the present system of Grand Jurors, but he must claim for that particular body with which he was connected the merit of partaking in as small a degree as any other similar body in Ireland of the evils complained of. He admitted also that there was a necessity for applying some remedy to those abuses, and the present Bill, in his opinion, was calculated to do so, if as he felt confident it would be, it was fairly and properly treated in the Committee; at the same time he would beg to suggest that the qualification for the Magistracy ought to continue as it now was fixed at the Petty Sessions, and that the same qualification ought to be extended to Grand Jurors. He had ever entertained an opinion, that the cess-payer ought to have a voice in the election of those persons by whom the cess was levied, and this necessity had been partly met already by giving the landholders a voice in passing every presentment in the manner suggested by the right hon. Secretary for Ireland. He would not detain the House any further, but should reserve any future observations on this Bill for the period when it should be in Committee.

Leave given to bring in the Bill.

#### TITHES AND VESTRY CESS (IRELAND.)

Mr. O'Connell said, that he had given notice of a Motion for the abolition of Tithes in Ireland. Since he had given that notice, a plan of Church Reform for Ireland had been suggested by his Majesty's Ministers. That plan did not include any relief to the people of Ireland with respect to tithes at the present period; nor, in what had been announced to the House, had it yet been explained what was to be done with regard to tithes, or how the surplus revenue arising from the Ecclesiastical Reforms was intended to be appropriated; but as the plan of his Majesty's Ministers had only been explained in part,

as the whole details were not before the House, he thought it would be better for him, under the circumstances, not to interfere with a measure of so great importance, which was brought forward by his Majesty's Ministers, and had the sanction, he believed, of a great majority of the House. He would not, therefore, bring the subject under discussion until the whole details of the plan of his Majesty's Ministers should be before the House, and would put off his Motion on the subject till the 9th May. He had also given notice of a second motion respecting the Vestry Cess. He had been fortified in his opinion respecting that impost by the arrangements which were proposed by Ministers in the bill which had been brought in by his Majesty's Ministers. Part of their plan went to accomplish those very objects which he had in view. Still he should wish to obtain leave to bring in a bill, because the subject was entirely distinct from the other matters included in the provisions of his Majesty's Ministers. There were several statutes which were applicable to Ireland and not to England, which it was desirable to have repealed. He wished to leave the matter unembarrassed by other measures. He wanted no portion of the merit of the great change which was about to be effected in the Irish Church, and it was not with any view of that kind that he gave the notice in question. If it were intended to oppose that Motion, therefore, he would not press it to a division.

Lord Althorp said, he thought it still more desirable to postpone the Motion which the hon. and learned member for Dublin had now brought forward. It was quite clear, that the statutes which applied exclusively to Ireland, and to which he had referred, might be repealed by the Bill. He, therefore, thought it most desirable that the whole enactment should be included in one Bill. When the hon. and learned Member saw the Bill he would be able to judge whether any other measure were necessary.

Motion withdrawn.

LAW OF PATENTS.] Mr. Godson rose pursuant to notice to ask leave to bring in a Bill to amend the laws respecting Letters-patent for inventions. He must claim the indulgence of the House for a short period, as the subject was one of the greatest importance



—not merely to individuals, but to the public at large. He asked for the indulgence of the House, on the ground that the subject was encompassed with many difficulties, and there had not been any legislative enactment respecting it since the reign of James 1st. From that period down to the present time, the law-books had become filled with cases arising from the doubt and obscurity in which the law for the regulation of patents is involved. That enactment was only a clause in the Statute of the 21st James 1st, called the "Act of Monopolies," not above a dozen lines in extent; but from it the whole system of patents for inventions sprang. By that clause the King was empowered to grant, for the term of fourteen years, his letters-patent to the first and true inventor of such new manufactures, as other persons did not use in this country. In the reign of Queen Anne, a condition was introduced, providing that a description, or specification, of the invention should be lodged and enrolled in the Court of Chancery. There was, also, another condition, that no patent should be assigned to more than five persons, and that if an assignment were made to more than five, the patent to be void. From these three sources all the decisions by which inventions and discoveries were protected had flowed. In the Courts of Law and Equity, these decisions have fluctuated in doubt and uncertainty, and therefore he proposed in the Bill he asked leave to introduce, to take into consideration almost every one of the rules of law as to patents. To begin with the inventor. He should be able to show, that the laws relative to him might be much improved. The word "inventor," in the Statute of James, had been considered by the Judges to mean, not only the first inventor, but the first publisher, being also the inventor; and not only the first inventor or publisher, but also the first importer of an invention from abroad. He proposed to go one step further, and to provide, that an Englishman, who might learn an invention in a foreign country, and bring it home, should have his discovery protected; for there could be no distinction in principle between allowing a foreigner or an Englishman to bring an invention into this country. One of the principal complaints made by poor persons, who had given their time and attention to scientific pursuits, and made some discovery, was, that during

the time between the presentation of the petitions, and the days on which the patents were granted, men of property, were continually endeavouring to drive the poor inventors to make an improvident bargain, and to deprive them of the benefit of the inventions, by pretending that they had made similar discoveries, which by the employment of their superior capital, they could carry into effect without patents, if the inventors would not admit them to a share of the invention. He proposed, that the inventor should be permitted to sell his prospective patent rights, and that the buyer might obtain a patent in his own name. The poor man, instead of running the risk, during a period varying from three to nine months, of losing his reward, together with the little capital he had expended in making the invention, would be enabled at once to realize some profit, and the person to whom it might be sold would be protected by patent in his own name. Another word in the Statute of James 1st, on which constructions, as diversified as human ingenuity could make them, had been put, was the word "manufacture." It had puzzled all the Judges from that time to the present, to find out what could have been meant by the Legislature. At one time, it was interpreted to include some new substance; at another, a machine; and, at another, a combination of machinery. It would scarcely be credited that, at one time, an improvement was held not to be a fit subject for a patent. It was subsequently acknowledged, however, that there was nothing new under the sun; and that, if patents were not granted for improvements, they would be very limited indeed. It would be in the recollection of hon. Members, that when Watt invented his improvement of the steam-engine, it became a question whether it was a fit subject for a patent, as the invention was only a condensation of steam, in a separate vessel. In the Court of Common Pleas, two of the Judges were of one way of thinking, and the remaining two were of a contrary opinion; and it was not until after some lengthened discussion in the Court of King's Bench, that Lord Kenyon and the Court agreed that the steam-engine of Watt, which with all its beautiful machinery and splendid apparatus, had since become connected with the arts, the wealth, and the trade of England, could be a proper subject for a patent. The question

was, for a long time, agitated, whether the word "manufacture" could include the new and useful application of some principle either known, or previously in existence, but unnoticed, and whether a man who discovered a new application of something which must have existed, although it had remained undiscovered, ought to have a patent. Before common gas was brought into use as a means of lighting the streets: many scientific persons were aware of the existence of such a vapour capable of producing a flame, though no one was sufficiently acquainted with it to convert it to any of the present useful purposes. The Judges, in former times, considered that a principle or application was a mere idea, and therefore could not be a fit subject for a patent. Modern Judges had varied in their opinions upon this subject. Lord Kenyon was of opinion that all patents for inventions were monopolies, and he strictly construed them against the patentee. Lord Ellenborough considered that they ought to be governed by the rules of good sense, and the patentee had a fair chance before that Judge of supporting his grant; but Lord Tenterden said, that if any doubt should arise, it ought always to be decided in favour of the patentee; giving inventors the fruits of their labour. That was the proper and legitimate construction. The rule of law ought to be, that the man who had matured an invention for the use of the public—who had spent years of toil and study in the attainment of his object, who had thought much and laboured long, who endured many privations, and incurred considerable expense, and had, at last, presented the public with some useful or convenient article, ought to have every doubt given in his favour. A case, which occupied a portion of the public attention at the present moment—was the discovery of collecting a spirit from bread, whilst it was in the oven. Mr. Hicks, the patentee, observed, that a considerable vapour arose from the bread whilst baking, which he thought must contain some alcohol. He immediately placed a common still in conjunction with the oven, and his idea was correct. The vapour on being condensed contained alcohol. So simple was this discovery; and yet if it were applied to all the baking in England, the worth of the spirit so manufactured, would he was told, on good authority, be no less than one million of money an-

nually. Could it be said, because such an invention was not a manufacture, not made by hand, as the old Judges held, that it was an unfit subject for protection? He proposed, then, that chemical discoveries, that principles, that new applications, when reduced to practice, so that some advantage was presented to the public, should be subjects in respect of which letters-patent might be taken out. From the new application of something old, or from the use of a new principle, there might be made some article for sale; he therefore proposed to add, to substances, machines, and combination of machinery and improvements thereof, all principles reduced to practice, and chemical discoveries which result in the production of some articles of commerce. A condition was now introduced into the patent, providing that a description of the invention for which a patent should be taken out should be enrolled in the High Court of Chancery. That description was technically called a specification, and from the construction which the Courts of Justice had put upon that specification, had arisen the greater number of the difficulties with which patentees had to contend. The constructions had been so nice, and had been so stretched by the profession to which he belonged, that it really was almost impossible for a scientific man to draw a proper specification without the assistance of a lawyer. He intended to propose two or three improvements connected with this part of the law, which, in his judgment, after a careful and deliberate study of the general question, would remedy those defects. He meant to propose, in the first place, that if a patentee discovered he had made an omission in the specification, he should have the power of enrolling a second one, but the second specification, in order that the public might be protected against an improper one in the first instance, and running the risk of a subsequent inquiry, should be marked with a stamp. The public was entitled to an accurate description of the invention, and it was necessary to its protection, that these specifications should not be given in merely at the caprice of the inventor. He would not impose a very large stamp on this amended or secondary specification, but such a one as would be likely to correct the evil of having too many of them. His next proposition was, that all errors of form in the title to the



patent and in the specifications might be corrected. The House would perhaps be astonished to hear, that the omission of a letter in the specification had frequently been held to invalidate a patent. He also wished to propose, that when a patentee makes an improvement on his own invention, he may have a secondary specification to include that invention, without incurring the whole expense of an original patent, in order to secure to himself an improvement on his own invention. He would further propose, that a model might be deposited with the specification, instead of drawings, because a model was the best specification that could be given, and it was far more easy to describe an invention by a model than by a drawing, or by a written statement. He thought, therefore, that the inventor should if he pleased, deposit a model with his specification. He proposed, then, as far as the patentee himself was concerned, three things—The improvement of the law with respect to inventors; the extension of the subjects for patents; and a proper description of the invention, so that the public might have it fully explained. He proposed as to the property which the patentee acquired by the grant, that there should be two kinds of patents, instead of one—one for seven years, and another for fourteen years; that the expense of the patent for seven years should only amount to half the expense of the one for fourteen years; and that the inventor might sell his patent as he pleased. In former times only five persons could be interested in one patent; but by the liberality of the Government, the number had been enlarged to twelve. He knew no reason why a man should not be permitted to make the utmost use of his invention, and he proposed that the inventor should have the power of disposing of it to any number of persons. The utility to the public was often in proportion to the magnitude of the invention, with which a company might be well trusted. Patentees frequently incurred considerable expense, while a long time might elapse before the invention came into practice. In such cases the patentee applied to Parliament to get the term of fourteen years enlarged. Instead of their being obliged to make such an application, the proceedings by which they obtained the patent in the first instance, ought to be the means through which they might enlarge it. The

House was perhaps aware, that in the process of obtaining patents, the inventor began by presenting a petition to the Secretary of State for the Home Department: then he travelled to the office of the Attorney General; back again to the office of the Home Secretary; and back again to the office of the Attorney General. From the Attorney General's Office he had to go to the Signet; from the Signet to the Privy Seal; and lastly to the Great Seal. If the Great Seal was out of town, he travelled after it. The sign-manual of his Majesty was necessary to two documents; for what purpose, when the only object in view was the protection of a commercial article, he could not understand. Buonaparte, it was said, on one occasion when a patent for an invention called "the invisible lady" was presented to him for his sign-manual, threw it under the table at which he was seated, observing, that he could not possibly discover why his time should be consumed in putting his sign-manual to every patent for every little invention that any tradesman might make. Trifles were often the subjects of patents in England. A tailor took out a patent for an improvement in the mode of fastening the trowsers to the boots. The inconvenience of the present system with respect to Ireland and Scotland was great; the sign-manual was required once for each country. It frequently required five or six months before a patent could be obtained for Ireland; the intermediate time being consumed in travelling. He would propose—first, that a petition should be presented to the Secretary of State, which should be referred to the Attorney General; and that the Attorney General should make his report and send his bill direct to the Great Seal. There was no necessity for going through all the other offices. If it were necessary that the present fees should be retained, the same amount could be collected at the office of the Secretary of State; and by obviating the necessity of going to the other offices, a great saving of expense would be effected, and much of that anxiety which men naturally felt when they were seeking for this kind of protection, would be removed. If they retained three efficient offices, that would be quite sufficient for all practical and useful purposes. The system followed in the office for patents of the Attorney General, was productive of very mischievous

consequences. Any person could enter a caveat that a patent should not be granted to any person on any particular subject, and must have notice of every application sent to him. No useful end was attained by these caveats; but in many cases they brought ruin on the patentees, in consequence of the delay, not caused by the Attorney General, but by the people who entered the caveats, before the question could be examined or decided. It was done in this way. Suppose a person endeavouring to procure a patent in a particular trade or manufacture; any persons connected with that trade, were at liberty to enter a caveat, and both parties were examined by the Attorney General, to the risk of the invention becoming known; and the person seeking the patent was not at liberty to proceed, until those who opposed had been satisfied. By this means a month was sometimes wasted. He proposed that, from the time of the arrival of the petition of the inventor at the office of the Secretary of State, fifteen days should be allowed for parties to come in and enter their caveats, and that the application should be advertised in the *London Gazette*, in order not only that those who might wish to enter caveats, but that all the world might know, that particular patents had been applied for. He proposed as another protection to the patentee against fraud—for it was in this part of the process that fraud was committed—that the Attorney General should have the power of calling in two scientific men as assistants or examiners. He proposed, that they should receive two guineas each on every patent; and that the Attorney General, assisted by these two examiners, should have “A preparatory specification” laid before him, that was to say, an outline or sketch of the invention or improvement which it was the intention of the party hereafter more particularly to specify. He proposed that this “preparatory specification” should lie at the Attorney General’s office until the end of the fifteen days during which period any person who wished to show cause or assign a reason why the patent should not be granted, should be allowed to come in and state his case to the Attorney General and his two examiners. The House would see that the great advantage to be attained by inventors at this part of the proceedings was to obtain a priority in the dates of

their patents, and introduce a very material improvement by proposing that the letters-patent should be dated from the time when the Attorney General made his report. From this single proposition many material benefits would result. The party might be allowed two, three, or four months, according to the discretion of the Attorney General, to give in the specification, without running any risk of the loss of his labour by a discovery of his invention by other persons. During that time he could make such experiments as occurred to him without the chance of losing his prior claim. The preparatory specification would show whether he had in any way attempted to produce a different invention. He meant to leave the question of expense entirely with his Majesty’s Government, leaving blanks in the Bill for the different sums. He should, however, suggest that patents for seven years should be only half the expense of patents for fourteen years; and that patents for fourteen years should be half the present expense. When this additional security was given to the inventor, the number of patents taken out would be at least double: so that the individuals who received the fees would have no ground to complain of the reduction. Stamps were most unequally imposed on inventions for the different parts of the kingdom; but with reference to this part of the measure, also, he should prefer leaving blanks in the Bill to be filled up by the Government. He had no doubt that acting on those liberal principles which guided the other measures of the Administration, they would reduce the price of patents as low as would be consistent with the state of the revenue on the one hand, and the encouragement of the inventors on the other. It had been said, that if patents were too dear, a stop would be put to new inventions; but if they were too cheap, the country would be overladen, and it would be impossible to distinguish between the useless and the useful inventions. There was another complaint frequently made by patentees, respecting the legal proceedings necessary to enforce their rights, or cancel void patents. He had no doubt that hon. Gentlemen might contend that there ought to be a separate Board. To such a system he decidedly objected, for he never would consent to the appointment of secret commissions to decide upon the rights of an English-



man. He disliked all secret Boards—he never would give up Trial by Jury for any purpose; and, if such a step were taken in this case, an injurious precedent might be established for others of greater importance. The arguments which he had heard advanced by those who advocated the establishment of a Board to try these cases, amounted to this, that, inasmuch as the subjects to be considered were frequently unintelligible to men of ordinary education, and only understood by scientific persons, therefore, questions of this nature ought to be decided by a body of scientific men. When he recollected that questions involving rights, and property, were tried by juries, he could not but conclude, that a special jury of English gentlemen would be perfectly competent to decide upon a question of this nature. With reference to the jury, he proposed to introduce two improvements. In the first place, that there should be a power of inspection, similar to the present practice of having “a view” by the jury. He apprehended there could be no objection to the drawings and model being inspected by the jury before coming into court. As scientific men appeared to imagine that they should have some of their own body on the jury, a power might be given to the Sheriff to summon twelve scientific men, but he would give each party the power of striking off six; for all inventors would not like to have men of the same business or profession as themselves upon the jury. He should also propose, that instead of pleading the general issue, as was done at present, every person who put in a plea to an action on a patent should be bound at the same time to give a notice of the objections he intended to urge in order that the party against whom the action was brought might have an opportunity of knowing what parts of the invention were to be disputed. He could not divine why a man who was pursuing a right in a common-law court should be forced to support a Chancery suit into the bargain. He would, on no account, interfere with the jurisdiction of that Court; but a power should be given to a Court of Common Law to call upon the party against whom the action had been commenced, either to stay him from using the invention, or to keep an account of the sales by him of the patent article. He proposed that the person who was convicted of infringing any

patent should pay three times the amount of that account as a penalty; and, instead of common costs being allowed, in which case the patentee was often 200*l.* or 300*l.* out of pocket, that the losing party should be compelled to pay double costs. Even then, the patentee would not always receive the amount of his own attorney’s bill. If these suggestions were complied with, we should have a competent tribunal for the decision of questions respecting patents. There was another point—namely, the legal proceedings necessary to cancel a patent. He did not wish to interfere with the present mode, which was by writ of *scire facias*, but when a verdict was obtained on the writ against a patentee, a certificate was carried into Chancery, and the patent was thereupon cancelled. He wished that the same result might follow a verdict in a common action, and if the defendant obtained a verdict in an action, then on motion to the whole Court, the Judges should have the power of granting a certificate to enable the Lord Chancellor to cancel the patent. Some means might be devised by which a party might be enabled to go to the Great Seal, and have the patent cancelled. These improvements were founded on the present law. He had not, in the Bill which he asked leave to present to the House, departed from any principle or practice of law. He had consulted the laws not only of this but of every other country in which inventions were protected, and endeavoured to cull from the enactments all the clauses congenial to the principles of the British laws. He had endeavoured to select those parts which would best amalgamate with each other, and with our notions of justice and equity. He wished to submit to the House a Bill which should render the law respecting patents for inventions as clear as the Judges now made it, without ever reverting to old decisions. Such a system would give protection to men of ingenuity, and, at the same time, afford ample security to the public. In conclusion he begged to move, that leave be given to bring in a Bill “to amend the laws respecting letters patent for inventions.”

The *Attorney General* said it was not his intention to oppose the bringing in of this Bill, which was connected with a subject of the utmost importance to the public at large, as well as to a class of individuals deserving attentive consideration, and whose interests it was especially connected with,

So far from opposing the Motion, he assured his hon. and learned friend, that he should most cordially concur in every practical mode of adding to the simplicity of these proceedings, or of preventing delay and unreasonable difficulty in procuring patents. He must, however, qualify that assurance by stating, that he should only give his support to the hon. and learned Gentleman's measure, provided it should appear to him consistent with the grounds on which they ought to deal with the question. The object proposed was to secure to scientific individuals, a valuable reward for the discoveries they might make in science, or in the elegant or useful arts—that reward being, the legal possession to be vested in them of an undisputed monopoly of their respective inventions for a certain term of years. This monopoly, although well deserved by the individual, however, was undoubtedly, given at the expense of the public at large, who had, therefore, a right to require the fullest and clearest description of the invention. For this reason, the specification ought to be so clear and so precise, as to place the identity of an invention beyond all possible doubt, in order, on the one hand, that if any question should arise on the validity of a particular patent, the public might be able to refer immediately to the specification; and, on the other hand, that when the term of such monopoly expired, the public might have the advantage of such invention, which could not be secured without making the specification so distinct, that “he who runs may read.” Without expressing any opinion on this part of his learned friend's statement, he should feel it his duty strictly to uphold the law. If it were altered at all, he should be inclined to say it ought to be by making specifications more strict than they were now. He should, certainly, too, not be disposed to delay the giving in the specification, which, in many cases, might deprive the public of the benefit of it altogether; for, by what ulterior process could a man be compelled to give in a specification? With reference to the principles of the hon. and learned Gentleman's Bill, they could be better collected from the Bill itself than from any statement. He was sorry that he could not do justice to the very able speech of the hon. and learned Gentleman because he had not previously communicated to him his intentions as to the objects he proposed

to accomplish by the Bill. As part of his speech referred to the office of the Attorney General, it would have been as well if the hon. and learned Gentleman had communicated with him beforehand. He hoped the House would not suppose that there had been any abuse in the Attorney General's office; for nothing could possibly be more unjust than for the Attorney General not to receive caveats in cases of this nature. Did his hon. and learned friend know what a caveat meant? It was a notice by any party, who thought that a man who asked for a monopoly against his fellow-subjects, had no right to enjoy it to their prejudice: in entering this caveat you gave him a reasonable time to make out his case or amend his specification. The Attorney General summoned the person giving the caveat to come before him; but not that the invention of the patentee might be looked into and inspected by him; quite the contrary; he who put in the caveat was obliged to state to the Attorney General, who had previously taken care to inform himself upon the subject, the grounds on which he objected to the patent. If the objection appeared a good one, further inquiries were instituted; if not, the objection was directly dismissed. In conclusion he had only again to assure his hon. and learned friend of his entire concurrence in the object he had in view.

Mr. *Lennard* begged to say, that he entirely concurred in the view which had been taken of this subject by the hon. and learned Gentleman, and he only regretted that the matter had not fallen into such able hands at an earlier period, for no man could have read any part of the evidence taken before the Committee, of which he had the honour to be Chairman, without feeling that the present state of the law relative to patents, called for attention and alteration. With regard to the question of expense, it was deserving of consideration. It was suggested before the Committee, that if patents were rendered too easy of attainment, the great manufacturers would be considerably annoyed by having a vast variety of patents taken out for small, trifling, and unimportant inventions. The suggestion for shortening the process of obtaining a patent was most valuable; since nothing could be more inconvenient than the delay, the trouble, and the anxiety, consequent upon the present system. Indeed, the hon.



and learned Gentleman had actually understated the amount of that inconvenience; for, during the last reign, it was in evidence that a much greater loss of time than he mentioned took place, in consequence of the illness of his late Majesty, and of other causes, which, in some cases, amounted even to as much as a delay of seven or eight months. It should be remembered, too, that during the whole of the time a man was endeavouring to obtain a patent, he was under great risk, and considerable anxiety, as to the chances of his invention being discovered. It was well known that when any individual intended applying for a patent connected with a branch of trade, the thoughts of practical men were immediately turned to the subject; and it was by no means improbable, that a course of inquiry would lead an ingenious man to the very same result as that invention for which the application for the patent was depending; besides which, the inventor was always exposed to the risk of having his secret discovered by the person whom he might have employed to assist him in the mechanical detail of its development. It was true that the Judges had lately strained the law, to adapt it to the circumstances of the present times; but he must say, that he would rather live under a law made by Parliament, than under a law made by the Judges. He was aware that they had to contend against the acts of legislators who had been wilfully blind to the signs of the times, and who had obstinately refused to adapt the laws to the changing circumstances of the country. He was informed that no man could venture to say what would be the decision of the Judges, in cases where questions relative to patents arise; some had been for extending the law, and others for confining it. Great inconvenience arose from the existing uncertainty as to the point of law, and the opinion of the Judges. He concurred in the principle laid down by the hon. and learned Attorney General—namely, that it was due to the public that the specification should state accurately and distinctly the nature of the invention; and he begged to suggest to the hon. and learned Gentleman whether it would not be desirable, in order to the attainment of this object, that a Committee of scientific men should be appointed? An eminent lawyer must be a man of very varied and extensive

accomplishments; but the Attorney General might not always be competent to inquire into a question of this description. He would further offer his thanks to the hon. and learned Gentleman for having introduced a measure for effecting an important improvement in the law of patents.

Sir *George Cayley* was of opinion that it was highly important, and very necessary, that the attention of the House should be directed to this subject, which involved very great and very peculiar interests. The best course would be, to allow the hon. and learned Gentleman to bring in his Bill; and, on the second reading, such suggestions could be made as would lead to the attainment of the object in view.

Mr. *O'Connell*: hoped his hon. and learned friend would shape his Bill so as to give all parts of the empire the benefit of it. Why should not a man in England have the benefit of a patent in Ireland by enrolling it here? And why should not an Irishman have the benefit of a patent in England, by a similar proceeding in Ireland? Why should it be necessary, to come here to get a sign-manual attached to a patent for Ireland? Why should not the signature of the Lord Lieutenant be sufficient for that, as well as for the other purposes in which it represented that of the Sovereign? In Scotland, the stamp for a patent was 6*l.*; in Ireland it was 25*l.* Why was this? Surely there could be no reason why they should pay 25*l.* in Ireland, for what could be got in Scotland for 6*l.* These were grievances; and he hoped his hon. and learned friend would give Ireland the benefit of his comprehensive and accurate knowledge.

Mr. *Warburton* said, that if it were only to convert Judge-made law into statute law, he should wish to see the proposed measure introduced. He was persuaded, however, that it would be advisable to refer the Bill to a Committee above stairs, when it would be rendered a very valuable measure.

Leave granted.

INTERFERENCE OF MINISTERS IN ELECTIONS.] Mr. *Roebuck* said, that, in giving his notice of a Motion to place on the Standing Orders a distinct Resolution, condemnatory of the interference of the Treasury in the return of Members of that

House, he had not had the slightest intention of casting any imputation on his Majesty's Ministers. Such a thing never entered his head. He should be sorry to rest the general propriety of such a Standing Order on any particular case. The general principle was a correct one, and ought to be recognized, without any case whatever; and were he to bring forward any case, and fail in establishing it, still the general principle would remain untouched. By passing the Reform Bill, the Legislature had shown their determination to put an end to nomination boroughs; and had intimated with sufficient distinctness that no one should thenceforward be allowed to make a nomination borough. He repeated, that he had no intention of throwing a slur upon anybody by his proposition. At the same time he honestly and ingenuously confessed that he had an object in view; but that object was totally different from that which had been imputed to him. The Standing Orders were found to be useless, because of their form. What he wished, was, to give greater strength to them; and that while they spoke of the interference of Peers in elections, they should not be silent on the interference of Ministers. He wished to turn the attention of the House by that means to getting rid of a very possible abuse, and to impress upon them that the only means of doing so was to establish the Vote by Ballot. That was his object, and he had no intention of casting any imputations on his Majesty's Ministers. It had been his intention to move—"That it is highly criminal in any Minister or Ministers, or others, servants under the Crown of Great Britain and Ireland, directly or indirectly to use the powers of office in the election of Representatives to serve in Parliament; and an attempt at such influence will at all times be resented by this House, as aimed at its own honour, dignity, and independence, as an infringement of the dearest rights of every subject throughout the empire, and tending to sap the basis of this free and happy Constitution." If, however, the Motion should be considered unnecessary, he would agree, having thus expressed his opinion on the subject, to withdraw it at once, having thus, he hoped, set himself right with the noble Lord.

Lord Althorp complimented the hon. Gentleman on his candour. The objection which he (Lord Althorp) had to place on the Orders of the House, for the first time, a Resolution such as that proposed by the hon. Member was, that it

would give rise to the supposition that something extraordinary had occurred to induce the House to take such a step. He did not think the hon. Gentleman would at all strengthen his position by passing any specific Resolution. The liability of the Government did not depend on any Resolution. No Resolution or Order of that House could justify them in any interference, and they certainly were not justified in interfering, whether any Order existed against it or not. He remembered several cases since he was in Parliament, when Ministers were attacked on this point, and on one occasion they deemed it advisable to bring in a Bill of Indemnity, although no Resolution was on the books of the House against such practices. He certainly could have no objection to the hon. Member withdrawing his Resolution.

Motion withdrawn.

PRINTING ELECTION PETITIONS.] A Petition against the Return for Galway (Town) having been presented,

Mr. *Hume* inquired whether election petitions were necessarily printed or not. It struck him to be a very useless expense to print a great number of those which were never followed up. Many personal attacks were made in these petitions, and no opportunity afforded to the person attacked to defend himself. As the Members of the House had full access to them, he thought it unnecessary to print them until it could be fully ascertained that they would be followed up.

The *Speaker* said, the observations of the hon. member for Middlesex were worthy of consideration. At present they were printed under an Order of the House, not so much for the purpose of publicity as of giving full notice to all parties interested. Perhaps the hon. Member had better take a day or two to consider the subject, as he might think proper to bring forward some substantive motion.

Lord Althorp agreed in the justness of many of the observations. Perhaps, if the petitions were not printed until the recognizances were entered into, the objection of the hon. Gentleman would be obviated.

Mr. *O'Dwyer* said, that most scandalous and libellous matter was frequently put upon the records of Parliament, which, unlike any other Court, the House had no power of expunging. He hoped the suggestion of the hon. member for Middlesex would be taken into consideration.



Petition ordered to be taken into consideration.

HOUSE OF COMMONS,  
Wednesday, February 20, 1833.

MINUTES.] Papers ordered. On the Motion of Mr. HARVEY, a Copy of the last Commission, appointing Commissioners to Inquire into the Public Charities in England; and other Papers relating to these Commissions.—On the Motion of Mr. WARBURTON, the Number of Promotions which had taken place in the Royal Navy from the 31st of September, 1831, to the latest period; and the Amount of the Expenses paid by the Lords Commissioners of his Majesty's Treasury, on Account of all Select Committees of the House of Commons, and Committees of the whole House, since the year 1830.

Petitions presented. By Mr. STRICKLAND, from Idle; and by Mr. PENDARVES, from Redruth,—against Slavery.—By Mr. HODGES, from Ightham, Wrotham, Stanstead, and Shipborne; and by Mr. FINN, from Danesford and Burnchurch,—against Tithes.—By Mr. HODGES, from Gravesend; by Sir ANDREW AGNEW, from Aberdeen, Lawder, Dundee, Lanark, Lothcarron, and Ayr; and by Mr. STRUTT, from two Parishes in Derby, for the Better Observance of the Sabbath.—By Mr. FIELDEN, from Todmorden, against Nocturnal Legislation.

DIVISIONS IN THE HOUSE OF COMMONS.] Mr. Harvey, having given notice of a Motion for to-morrow respecting the method of taking the Divisions, and for entering the names of all the Members who voted in the majorities and minorities on the division in the Vote Book,

Mr. Ellice said, he hoped he might be permitted to take the opportunity of replying to some imputations to which he would, by implication, be liable in consequence of the publication of a division on the subject of sinecures. He hoped, that as the subject referred to a breach of privilege, he should not be considered out of order. If he were not permitted to say two words upon the subject, he should be compelled to bring forward a Motion. He had seen with great disgust in some of the public prints a list of the majority of the Gentlemen who had voted the other night on the Motion of the hon. member for Middlesex. It had been represented that these Gentlemen had given their votes in favour of the continuance of sinecures in general. He (Mr. Ellice) voted upon that occasion; but he did not vote in favour of the continuance of sinecures of any description. He voted against a sort of abstract principle, which the hon. member for Middlesex had thought proper to propound to the House—a principle which the hon. Member did not seem to be able to explain; for he had stated that he did not include in his description of sinecures the case of Colonels of regiments.

When any question should come before the House, on which it would be necessary to come to a vote respecting the continuance of sinecures, he should discharge his duties to his constituents; but it was utterly false—it was an utter misrepresentation to say, that in giving his vote the other evening, it had been intended to support sinecures. It was improper to impute motives to any man. He could conscientiously say (and no one could know his intentions better than himself) that, when he gave the vote in question, he had no intention whatever to uphold sinecures of any description.

Mr. Hume observed, that he was perfectly aware of the irregularity of permitting Members to speak when there was no Motion before the House: but he hoped that he should be permitted to reply to the observations of the hon. Member, who had stated that it was false that any Member who had voted against his Motion, had so voted with a view to uphold sinecures.

Mr. Ellice: It is false that I voted with that view.

Mr. Hume continued: His Motion was, that it was inexpedient to pay naval and military services by sinecures. The hon. Member might not have made up his mind about what was expedient or inexpedient; but the object of the Motion was, to put an end to the practice of paying money upon false pretences. The hon. Member had stated, that he had not explained, and did not, in fact, understand the abstract principle which he had sought to embody in his Motion, because he had excepted the case of Colonels of regiments. He knew very well what he was saying. The Colonelcies of regiments were no sinecures. Colonels of regiments had to carry on correspondence, to look to the accoutrements of the men, and other duties, which placed them in a very different situation from that of such officers as the Governor of Berwick. The hon. Member seemed himself not to know what he was talking about, when he accused him of ignorance. He knew very well what he had been speaking of. He knew that the discussion was irregular, because there was no Motion before the House; but he must still continue of the opinion, that every man who voted in the majority upon that occasion, had so voted in order to uphold sinecure offices.

The Speaker said, that if this discussion

should be allowed to continue, he trusted that the House would allow him to set himself right with the hon. member for Middlesex and to correct a slight mistake into which that hon. Member appeared to have fallen. That hon. Member had stated, that this matter had been brought before the House irregularly; but according to his (the Speaker's) view of it, there had been no irregularity on the part of the hon. member for Coventry. He understood that hon. Member to call the attention of the House to a breach of its privileges. His complaint did not refer to any Member of that House, and therefore could have had no reference to the honourable member for Middlesex. The hon. Member's complaint distinctly referred to what had appeared in the public Press, in which a statement had been published that imputed motives to the Members on one side of the House for voting in a certain way. Such a matter clearly involved a question as to a breach of the privileges of that House, and therefore there was no irregularity on the part of the hon. member for Coventry in bringing it before them. In fact, the irregularity had been wholly on the part of the hon. member for Middlesex, with regard to whom he could state, that as no imputation had been cast upon him, and no contradiction had been given to any statement made by him, any vindication of himself was unnecessary. The complaint referred solely to the persons who had committed a breach of privilege. The hon. member for Coventry complained that the motives of those who had voted in the majority on the occasion referred to, had been decidedly misrepresented in the public Press, and the hon. Member, knowing his own motives on that occasion, had thought it his duty to bring the matter before the House.

Mr. *Hume* said, he considered it to be a personal imputation upon him to say, that he did not know his own meaning; and therefore he thought he had a right to answer the remarks.

The *Speaker* said, he did not mean to say that the hon. member for Middlesex was disorderly in his observations.

Mr. *Ellice* observed, that he had no intention of making any complaint respecting the language of the hon. member for Middlesex.

Subject dropped.

ASSESSED TAXES.] Mr. *Walter* said,  
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that, in consequence of the recent indisposition of the hon. members for Reading, his Colleagues and himself, who were members for the county, had been instructed to present a Petition, which had been signed by 900 of the inhabitants of that borough. The subject of the petition was a complaint against the nature of the Assessed-taxes, as well as their unequal distribution. He had the greater pleasure in discharging this duty, as he could bear testimony to the truth of the statements contained in the petition. No one, indeed, who had ever sat as a Commissioner for the Assessed-taxes, could be ignorant of the inequality—he would even say the injustice—which prevailed in the manner of assessing houses. The petition alleged that very few of the gentlemen's houses in the county were rated at more than 40*l.* a-year, while many tradesmen in Reading were rated higher for their premises. The same was known to be true with regard to other towns. The tax on clerks and shopmen was peculiarly harsh, inasmuch as a tradesman could not call upon his own son to assist him in his business, without rendering himself liable to this impost. There were other parts of the Assessed-taxes which created daily vexation, though, at the same time, they were little productive. The hon. Member concluded by declaring that he heartily concurred in the prayer of the petition, and that he should support the views of the petitioners to the utmost of his power.

Mr. *Robert Palmer* observed, that he would always be an advocate for the repeal of such of the Assessed-taxes as pressed most heavily on the people, but he did not see clearly that the repeal of the whole of these imposts would be so beneficial to the community at large, as the repeal of a portion of them. There were other taxes, in his opinion, which might be lessened with greater advantage to the necessities of the people. The House of Commons, besides, was not called upon to legislate merely for the benefit of particular classes—its functions were of a more extended nature, and it was bound to look, in the framing of any measure, to what would most conduce to the general interests of the community. He must say, however, that in his opinion the repeal of that portion of the Assessed-taxes more particularly alluded to in the petition just presented, would be a measure generally beneficial; and he should be happy to



find that the noble Lord opposite was successful in any endeavour he might make to effect a more equal assessment of the other portion. Before he sat down, he must beg leave to say, that a very general disappointment was expressed throughout the country, that no relief had yet been afforded the people in the way of reduced taxation. The great majority of the people were, however, looking to the Reformed Parliament for relief from the burthen of excessive taxation, and he trusted they would not be disappointed in their expectations much longer.

Mr. *Hume* entirely concurred in what had fallen from the hon. Member who had just sat down. He could corroborate the hon. Member's assertion, that a very strong feeling of disappointment pervaded the community, in consequence of no attempt having been made by Government to effect a reduction in the taxation of the country. How, indeed, could any reduction be effected if hon. Members were determined to support measures for carrying civil war into Ireland, and for the consequent maintenance of a large military force in that country? Was coercion the preliminary step to a repeal of taxes? And these measures, it seemed, were to be hurried forward without any evidence being adduced as to their necessity. He (Mr. *Hume*) could only say, that if they were carried through the House, it would be very difficult, if not impossible, to effect any essential reduction of taxation.

Mr. *O'Connell* hoped his Majesty's Ministers had received intelligence of the manner in which their projects of coercion had been received in Ireland, not only, he would say, by the agitating party, but also by that party which supported the administration of the Marquess of Anglesey. If they had not, he could assure them that he had received information which induced him to believe that that latter party had expressed even more indignation upon the subject than any other body of men in the kingdom. Indeed, no persons but the blind and duped agents of the Government in Ireland could fail to perceive that the end of those arbitrary measures was, to lay the foundation of civil war in Ireland, and to render her connexion with England a curse instead of a blessing.

Mr. *Gilbert Heathcote* deprecated so much discussion about Ireland. He wished the attention of the House was only half as much occupied by a subject

of such pressing importance as the repeal of the Assessed-taxes. With regard to the equalization of the House-tax, which had been alluded to by the hon. member for Berkshire, he could only say, that he would support the equalization of a tax which he thought might be considered peculiarly a metropolitan tax, provided it was founded on a principle of just valuation. He most cordially agreed in the sentiments expressed by the hon. members for Berkshire and Middlesex, that something must be done, and speedily, for the relief of the people. Hon. Members might talk night after night, and entertain themselves by the delivery of lengthened orations, but would the people be satisfied with the flowers of eloquence, when they were expecting immediate and practical benefit by exoneraton from a part at least of the burthens imposed on them?

Mr. *Fergus O'Connor* agreed with the hon. Member who had just sat down, that long speeches were sometimes not very beneficial; but he deprecated the idea that no allusions to Ireland should be mixed up with debate on other matters. The hon. member for Middlesex had said truly, that it was impossible to reduce our establishments while the grievances of Ireland remained undressed. Besides, hon. Gentlemen should recollect that to the English the question was only one of taxation, while to the Irish it was a question of life and death. The Representatives of Ireland would not do their duty, unless they endeavoured by every means to defeat the measures in the contemplation of his Majesty's Government.

Petition to lie on the Table.

TITHES (IRELAND).] Mr. *Sheil* presented a Petition from Maidstone, in Kent, praying that Martial-law might not be adopted in Ireland to enforce the payment of Tithes. The honourable Gentleman observed, that he would not then enter into the general subject, but would call the attention of his Majesty's Ministers to the wisdom of omitting such parts of the Acts embodied in their coercive measures, as related to the punishment of whipping; or, perhaps, the scenes, which the lapse of above thirty years had not effaced from the memory of Irishmen, might be renewed. He would also take the opportunity of making a single observation on the recent statement of the noble Lord, with respect to the amount of Church

property in Ireland. The noble Lord described that property as amounting to between 700,000*l.* and 800,000*l.*, leaving out of his calculation the glebe land, and the forty-eight parishes which paid their Ministers the surplice fees.

Sir *Francis Burdett* said, that it was a mistake on the part of the petitioners to suppose that the measures proposed to be adopted with regard to Ireland, were intended to enforce the payment of tithes. With respect to the punishment of whipping, he did not understand that it was one of those in contemplation; but if it were, it should be remembered that the hon. and learned Gentleman who pressed its discontinuance, did not want any punishment at all to be inflicted on the disturbers of the peace of Ireland. The House ought not to discuss the measure while in ignorance of its provisions.

Mr. *Warburton* gave his Majesty's Ministers full credit for their good intentions; but he could not help thinking that the effect of their measures would be such as the petitioners apprehended. The hon. Baronet opposite said, that those measures were not intended to enforce the payment of tithes; but all the witnesses had told them, that there could be no peace in Ireland unless tithes, as far as their appropriation was concerned, were abrogated; and the House must recollect, that the measure of reconciliation proposed by his Majesty's Government did not, like the Duke of Wellington's Emancipation Bill, meet the whole subject of complaint, but went only partially to work. He thought that the complaints of the petitioners were perfectly just, and he hoped that they would be followed by similar complaints from the whole body of the electors of the kingdom. The measure was perfectly uncalled for. Ministers' own servants had told them that it would never quiet Ireland. If such were the case, it was high time for the people of England to call on his Majesty's Government to make a final settlement of the question of tithes.

Mr. *O'Connell* considered this petition as a consolatory omen. He was glad to find Englishmen coming forward to afford protection to the people of Ireland against measures of unmerited severity. The want of that sympathy had been severely felt, and he, therefore, hailed its appearance with the highest delight and pleasure. He had heard, with surprise, the statements that had just been made by the hon.

Baronet, the member for Westminster. That hon. Baronet had said, that the House was ignorant of the plan proposed by his Majesty's Ministers. How could that be so, when the plan had been made notorious through all the newspapers? As to the punishment of whipping, no one could doubt but that Courts-martial were invested, by the measure, with the power of inflicting it. He well remembered what Courts-martial were. He well remembered the case of Sir Edward Crosby, a man totally innocent of the charge brought against him, who had been dragged before a Court-martial, of which a Major of Dragoons was President. Among other questions he was asked, why he, who was an officer of rank, had never entertained any of the officers of the garrison? He was tried, convicted, and, though totally innocent, executed. It was gross ignorance on the part of the hon. Baronet to say that the measure was not calculated or intended to enforce the payment of tithes. Courts-martial were to be appointed in all proclaimed districts, and then woe to those who did not punctually pay their tithes. Any pertinacious refusal to pay tithes would bring the person refusing under the Whiteboy Act. For his own part, he felt no hesitation in saying, that the measure was intended to put Ireland under the horrors of Martial-law, for the purpose of enforcing tithes.

Mr. *Beaumont* was persuaded that, however powerful the influence of the hon. and learned member for Dublin might be among the Irish people, he would meet with but little success in his attempt to excite the people of England. They were a people less likely to be carried away by the dictates of feeling, and had good sense enough to examine into matters before they decided upon them. If the proposed measure were really an act of despotism, then, to say the worst of it, it would only be a substitution of the despotism of the Legislature, for the despotism of the hon. and learned Gentleman.

Mr. *Richards* regretted that Ministers had not brought forward measures founded upon a large, comprehensive, and statesmanlike view of the case, for which Parliament was called upon to legislate. He could not but consider that a vast deal too much importance was attached to the agitation of the hon. and learned member for Dublin. That learned individual would seek in vain to attach the people of Ire-



land to a system of agitation, if Ministers would, in earnest, apply themselves to the question of a redress of grievances, and endeavour to allay the growing discontent, by giving those substantial reforms which were required by reason, justice, and humanity, by doing away with that most abominable system which enforced the payment of tithe to support a Church in which the people were not interested. Though a young Member of that House, he hoped he should not be considered as taking too much upon himself in proposing a Bill (as at an early opportunity he should do) for investing the tithes of Ireland in Trustees for the benefit of the poor of that country. He was no enemy to the Established Church—he was not an enemy to the Protestant religion—by no means; but he thought the system required alteration; though it should be managed in such a way as not to permit the tithes to pass into the pockets of the Irish landlord, but to contribute to the comfort of the industrious poor. He would lay a tax on capital for the support of the Clergy of the established Church.

Mr. *Maxwell* said, that he was as cordially attached to the real principles of liberty, and as much opposed to arbitrary measures, as the hon. and learned member for Dublin, or any other Member of that House could be. With respect to the measures of coercion, which were to be brought forward by his Majesty's Government, he considered them as absolutely necessary for saving Ireland from utter misery and destruction; and he should therefore give them every support in his power. He sincerely hoped that those measures would pass into a law; but unless they were vigorously, and to the fullest extent, acted upon in Ireland, it was his firm conviction, that there would be no security for life or property. He could assure the House that in the county which he had the honour to represent, they would give the greatest satisfaction, not only to the whole body of Protestants, but to every respectable Roman Catholic who valued the protection of life and property—and he would venture to extend this remark to the whole of Ireland. At the same time that he approved of the measures of coercion, and was determined to give them his support, he deeply regretted that they were to be accompanied by another—which he viewed with sentiments of the greatest alarm, that of Church

Reform. To this, as involving avowedly the spoliation of the Established Church in Ireland, he should give the most decided opposition. He felt that it was the intention of Government to aim a deadly blow at the Protestant Church Establishment of the country; that this would be a breach of national faith, solemnly pledged and directly at variance with the articles of Union, and that Parliament would be guilty of the grossest dereliction of duty by sanctioning the proposed measure. As to himself his course was plain. He felt himself called upon by every feeling both of duty and of inclination, and by every sentiment of veneration and attachment to the Protestant religion, and to the Established Church of the United Empire, to resist, as far as he was able, a measure which would involve in ruin and desolation all that he considered as most valuable, and which would always be with him of paramount importance. He should always be ready to give his support to any measures which would tend to promote peace, happiness and good order in Ireland, and which would be calculated to bring back matters into such a state as would conduce to the real happiness of all classes of its people.

Mr. *Grattan* said, the question in dispute had not yet been answered, and it really was a very important one. A statement had gone abroad, of which Ministers were the best judges, and he called upon them to state whether—

Lord *Mahon* rose to Order. The nature of the Petition seemed to have been altogether mistaken; it did not relate to a measure now in preparation, but to an act of the last Session.

Mr. *Grattan* wished to know whether it was the intention of Ministers to invest these Courts with the summary powers alluded to?

Lord *Althorp* said, there was nothing more inconvenient than for him to be called upon to discuss the details of a measure which he should hereafter have to introduce to the House. He would, however, state, that there was no authority to be given to these Courts martial, which was not already exercised by the Civil Power of the country. Respecting the point—whether the whole power of the Civil tribunals was to be invested in them, he should only state, that that was a question which could be best decided when the Bill came before them.

Mr. *Sheil* rose to put the House right. Let him not be blamed. The moment he found there was a misconception upon the subject, he had advised the Speaker of it. The Petition had been sent to him at the close of last Session. If, in advertent to measures then in contemplation, the petitioners had thus expressed themselves, what would their feelings be on hearing of the extraordinary measures which were now contemplated by his Majesty's Ministers?

Major *Beaulerk* was satisfied that the English people would look upon the proposed measure with the greatest indignation and disgust. It would lead to increased taxation—to undeserved oppression—and he would, therefore, give to it every opposition in his power. He believed that Ministers had no intention of acting wrongfully by Ireland—that they had no evil feelings towards her; but he was sure they were ill-advised in their present proceedings. He could tell Ministers from long experience—for, for two years he had acted as Deputy-Adjutant-General—that one of the worst courts they could possibly devise was a Court-martial. Party prejudice could not but have considerable sway in courts so constituted. In his humble opinion, nothing could be worse. He had repeatedly seen young officers surrender their opinions and judgments to the Colonel, who frequently was greatly prejudiced. He had himself been under arrest for two days for merely giving a judgment to the best of his ability, and Captain Brook of the 62nd had been similarly treated for the same offence. He knew well he could have retaliated—that he could have broken the Colonel for his conduct; but being a kind and well-meaning officer, and having erred only in judgment, and not from intention, the matter was passed over. He only mentioned it to show that Courts-martial were, of all courts, the worst constituted for cases of this kind. For his own part, he would rather be tried by any court that could be thought of than by such a court. Not that such courts were desirous of doing injustice, but surely courts constituted of boys just come from school, or from college, could not be proper courts for the trial of serious offences in an irritated country. When Ministers were backed by such men as the hon. member for Cavan (Mr. Maxwell) and seemed disposed to side with an Orange faction, which had always done

its utmost to ruin the country, he would admonish them, before they went too far, to consider who were their best friends. He believed Ministers had no ill feeling towards the people of Ireland, but if it were true that they were about to bring into that House such a measure as it was reported they were, they would be doing that which would lead to ruin, to bloodshed, and to anarchy. Under such circumstances, should such a measure be brought forward, Ministers might depend upon his giving it his most determined opposition. In doing so he was certain he should only be acting as a man and a Christian ought to act; and he felt he should be speaking the great public opinion of that country which he had the honour to represent, and of the people of England generally.

Mr. *Thomas Attwood* expressed his opinion, that the hon. member for Westminster and the hon. member for Dublin were each partially correct; the one in asserting that the measures of Government were intended to compel the payment of tithes, and the other in denying that assertion; but his (Mr. Attwood's) belief was, that a tremendous measure, was behind. English blood would flow in torrents for the purpose of compelling the people of Ireland to pay tithes. If the House of Commons should agree to the measure which the Government proposed, he feared that the same measure must speedily be directed against the heart of England. He felt it to be his duty, at this early hour, to sound the note of alarm upon English ears. It was now proposed to send the English militia to Ireland, but the time would come when the Irish militia would be brought over here to bayonet the people. This would happen, when the people, goaded to madness, as he feared they soon would be by the neglect of that House, should adopt legal and constitutional measures for their own protection. The people of England might depend upon it, that the measures now proposed to be directed against Ireland would be applied to themselves. Let English gentlemen lay this consideration closely to their souls—that, in supporting the measures proposed by Government, they would be forging chains for themselves.

Colonel *Perceval* said, that a most uncalled-for and unjustifiable attack had been made by an hon. and gallant Officer



(Major Beaucherk) on the Orangemen of that House, merely because they desired to rescue Ireland from the state of anarchy, nightly burnings, bloodshed, desolation, and disgrace in which that unfortunate country was involved. He had himself the honour to be an Orangeman, but that was not the first occasion on which he had avowed that; and, as a circumstance in favour of the Orangemen, he would, without the fear of contradiction, assert that in the counties in which orangeism prevailed, most of the people were obedient to the laws, and tranquillity prevailed. [*No, no.*] He repeated, that the fact was so, and he begged to assure hon. Members that he would not be put down by such interruptions. He spoke only of facts that were within his own knowledge, and further, he challenged an investigation into the truth of the statement he had made. He must confess, that he regretted exceedingly what had fallen from the hon. and gallant Officer (Major Beaucherk), who held the rank of an Adjutant-general on the subject of Courts-martial. He had frequently had the honour of sitting on Courts-martial, and on no one occasion had he ever found the members forming these courts disposed to depart from the great principle of mercy, so far as was consistent with the oaths they had taken, and the duties imposed upon them. No tribunals could have acted with more independence or greater impartiality; and he, therefore, thought the reflections that had been cast upon them were perfectly unfounded. None but officers who had attained the age of legal capacity were eligible to sit on Courts-martial; and, for his part, he considered that men of twenty-one years of age were as capable of forming a right judgment as persons of more mature age; and further, he thought that the younger a man was the more lively would be his feelings in favour of clemency. He should not certainly oppose the measures proposed by the Government, for he was fully convinced that measures of coercion were absolutely indispensable for the protection of life and property in Ireland. It was lamentable to hear of the frequency of murders and brutal outrages in that country; and he was quite persuaded that if they did not go the whole length proposed they might just as well not attempt to legislate at all. There was, however, another measure brought forward by Ministers with which he could not

agree, and which should not have his support, and that was the measure introduced for the spoliation of Church property. He deprecated that measure, and he did so because he was satisfied it was not reconcilable with justice.

The Petition to lie on the Table.

NEW BUSINESS OF THE HOUSE.] The Order of the Day for resuming the Adjourned Debate on this subject having been read,

Lord Althorp said, he would read the Motion as originally proposed, which was, "That this House do meet every day, except Saturday, at twelve o'clock at noon, for private business and petitions, and do continue to sit until three o'clock, unless the business be sooner disposed of. That when such business has been disposed of, if before three o'clock, or at three o'clock precisely, notwithstanding there may be business under discussion, Mr. Speaker do adjourn the House till a quarter before five o'clock, and leave the Chair without putting any question for adjournment. That business thus interrupted be taken up again on the next sitting day, as an adjourned debate, in preference to other business of the same kind. That if a House be not formed before one o'clock for the sitting between twelve and three o'clock, Mr. Speaker do then take the Chair, and count the House; and if forty Members be not present, do adjourn the House till a quarter before five o'clock; and in like manner, when the House is to meet at a quarter before five, pursuant to adjournment, if the House be not formed before five o'clock, the Speaker do then take the Chair, and count the House, and if forty Members be not present, do adjourn the House till twelve o'clock the next day, unless such day be Saturday, in which case Mr. Speaker do adjourn the House to Monday at twelve o'clock. That when a House is formed at five o'clock, pursuant to adjournment, the House will immediately proceed to the business of the day set down in the Order Book. That Committees have power to sit from ten o'clock in the forenoon until five o'clock in the afternoon, and have leave to sit during the sitting of the House. That a Select Committee be appointed at the commencement of each Session, to which shall be referred all petitions presented to the House, with the exception of such as complain of undue returns, or relate to

private bills; and that such Committee do classify the same, and prepare abstracts of the same in such form and manner as shall appear to them best suited to convey to the House all requisite information respecting their contents, and do report the same from time to time to the House; and that such reports do, in all cases, set forth the number of signatures to each petition. And that such Committee have power to direct the printing, *in extenso*, of such petitions, or of such parts of petitions as shall appear to require it." He expected that much convenience would result from the new arrangement, but if it should prove otherwise, as it was only an experiment, the House might review their decision. He anticipated that a considerable reduction of the expense of printing petitions would result from the appointment of a Committee, to which all petitions would be referred. He was aware, however, that this was a delicate subject to deal with, for many petitioners thought they were not respectfully treated unless their petitions were printed.

Sir Robert Peel wished the noble Lord would state, for the information of the House, what he meant to do with respect to election petitions? As the law of election now stood, the first proceeding of the House on the days fixed for balloting for Election Committees was that ballot itself. If the same rule was to be applicable under the proposed new arrangement, Election Committees must be chosen at one o'clock, and if 100 Members were not present then, the House must adjourn, and that day would be lost for all the purposes of public business. He put it to the noble Lord whether he could expect the attendance of 100 Members at twelve o'clock? But if sufficient Members did assemble by one o'clock to go to a ballot, the whole of the time would be consumed between one and three o'clock, and no opportunity would be afforded of presenting petitions.

Lord Althorp did not mean the plan to apply to days on which Election Committees were to be selected. Those days must necessarily be exceptions.

Sir Robert Peel said, the abandonment of the plan on Ballot-days made a material alteration in the proposition of the noble Lord, and certainly avoided one great difficulty that must have arisen from its adoption. The noble Lord proposed that if a House were not made at one o'clock the Speaker was to adjourn until five;

but would not that be inconvenient, not only to the Speaker, but to hon. Members themselves? Again, the noble Lord said, that it would often occur that a House was not made at twelve o'clock, and that, therefore, it would be expedient that the Speaker should wait till one o'clock. If this were to be the case, would it not be better to appoint the latter hour as the period of meeting? By waiting an hour just so much time would be thrown away. Again, the noble Lord would please to recollect that if a Member was present at prayers, he was entitled, by the courtesy of the House, to retain his place for the evening. This regulation was of considerable importance to those hon. Members who intended to take part in the debate of the evening; but, by the new regulation of the noble Lord, to entitle them to their places, it would be necessary that they should be here at twelve or one o'clock to prayers. The noble Lord said, that there were several matters of arrangement for after-consideration: why not, then, postpone this alteration until he had considered them? The convenience of all the Members should be consulted in a matter of this kind, which was not the case in the proposition of the noble Lord. He should like also to know what was to be done with a debate that was not concluded at the prescribed hour? [Lord Althorp: to cease, and be adjourned to the next day.] He doubted the policy of that arrangement—and whether it would be found to work at all. They were now about to commence the ballots for Election Committees; and there were no less than forty election petitions to be disposed of. At least two days in each week must be reserved for the ballots; and on those days, according to the noble Lord, his plan was not applicable. It would be infinitely better then, in his opinion, to postpone this arrangement until after the election petitions were disposed of, than to press it at present. Again, the interval between three and five, would be found extremely inconvenient. He did not suppose that there would be a numerous attendance of Members at the presentation of petitions; but if there should be, the House was to separate at three; and it would be hardly possible to get Members together at five in sufficient number to commence public business. The interval was either too long or too short; it might do very well for those who resided in the vicinity of the House, but it



would never do for those who lived at a distance. It would hold out an inducement to go home, and it would be impossible to get Members back to the House in a couple of hours. The best plan would be, that the House should meet earlier, and continue sitting until the business of the night had been got through. He preferred the plan of the Committee of last year to this plan; although he knew that there were objections to that. The Chairman of Ways and Means, it must be recollected, presided when some of the most important business of the country was transacted. The House, then, might meet at three o'clock under his presidency; and by this arrangement, great relief would be afforded to the Speaker. He was sure that he need not say, that the experience which the Chairman of Ways and Means had of the rules of the House, would enable him to preserve order, and see that the business was proceeded with, with regularity. It was on these grounds that he should prefer the suggestions of the Committee of last year, to the plan proposed by the noble Lord.

Colonel *Davies* concurred with the right hon. Baronet. He saw great objection to the House meeting at twelve. Many Members lived at such a distance that they could not be expected to come at that hour. He saw no objection to Mr. Bernal taking the Chair at three. Indeed as the most important votes were taken—namely, the votes on supplies—when he was Chairman, he could see no reason why he should not sit as Chairman on private business and petitions.

Sir *Thomas Freemantle* wished the House rather to adopt his plan of meeting at three o'clock, and devoting from that time till half-past five to the consideration of private business and petitions. His plan, according to the notice he had given, was this—"That this House do meet every day, except Saturday, at three o'clock in the afternoon, for private business, reception of persons bringing returns, bringing up reports of Committees, motions for papers (to which there is no opposition), swearing of Members, and other formal business; and for the ballot of election Committees, on such days as are appointed for taking election petitions into consideration, which will, as usual, take precedence of other business. After which, that the House do resolve itself into a Committee of the whole House, for

the reception of public petitions; the Chairman of the Committees of Ways and Means to take the Chair, and that the names of Members be called over in the order in which they are set down in the list of petitions; that, at half-past five o'clock, or as soon after as the petition then under consideration be disposed of, Mr. Speaker do take the Chair, and proceed with the business set down in the order-book; that whenever objection shall be taken to the granting of any return, the Member moving for it be required to give notice for a subsequent day, and place his Motion among the notices in the order-book." The plan of meeting at twelve o'clock would be most inconvenient. Hon. Members would then have no opportunity of considering and answering the letters which they received upon public business. The House would, besides, suffer from the want of the presence of the Ministers; for though the noble Lord opposite said, he would attend at one o'clock, that would not be sufficient, for the noble Lord, to whose courtesy and attention all the House were much indebted, could not possibly undertake to answer questions put with respect to other branches of the Government. He objected, also, to the plan, because it would make the House sit while Committees up-stairs were sitting. Now, those Committees were often composed of the most important Members of the House, who would not like to be absent on discussion of any importance taking place, and who yet could not be in two places at once. If a division came on, they must hasten from the Committee-rooms to divide on a question of which they had not heard a word, or else they would be liable to be suspected of having been absent from their duty.

Mr. *Littleton* said, that as it was agreed on all hands that something should be done towards giving the petitions of the people that decorous and attentive reception to which they were entitled, and which, owing to the mass of private and public business, they had not received for at least the last two Sessions, the question was, whether they should meet at twelve, as proposed by the Chancellor of the Exchequer, or at three, as proposed by the hon. Baronet, Sir Thomas Freemantle. He was in favour of the noble Lord's Motion. At an average, there were not more than six or seven divisions on private business each Session, and, there-

fore, no great probability would arise of the House being counted out. As to Mr. Bernal taking the Chair from twelve to five, he did not object to that on account of the individual; on the contrary, he highly approved of that Gentleman's conduct. He had known him for twenty years, and could bear testimony—and all would agree with him—to the affability and attention which he invariably displayed as Chairman of Committees. At the same time, he thought it would be more satisfactory to the people that their petitions should be received when the Speaker was in the Chair. He understood—which should be taken into account—that the Speaker himself was in favour of meeting at twelve o'clock. The great objection was, that meeting at that time of the day would interfere with election Committees, but that would be almost wholly confined to the first Session of Parliament; and, besides that, it would occupy only two days in a week. Of course, if the House met at twelve o'clock in the day, it could rise much earlier at night than it was wont of late years. No physical constitution could bear the additional fatigue; as it was, the strongest were severely tried by the present sittings.

Mr. *Goulburn* very much feared that the new arrangement would only aggravate the main source of the difficulty of presenting petitions—namely, the disposition, so much indulged in, of Members making long-winded harangues on almost every petition presented to the House. He apprehended that the inconveniences now complained of would not be remedied by the House sitting from twelve to three o'clock, and the noble Lord would have again to resort either to the ballot or to some other arrangement, to regulate the presentation of petitions. He thought it of great importance that the business of the House should be done in one continuous sitting, and that no Committees should be suffered to continue their proceedings after the Speaker took the Chair.

Mr. *Hume* feared that no plan could be proposed which would not be open to some objections; and though the arrangement proposed by the noble Lord (the Chancellor of the Exchequer) was certainly objectionable in more than one particular, yet he was anxious to give it a trial. Hon. Members seemed to consider that they would find great difficulty in knowing how to dispose of themselves from three to

five o'clock during the adjournment of the House; but that period might be passed very advantageously in dining, and he hoped the business would uniformly be brought to an end by eleven o'clock. His own opinion was, though the present was not the proper time to discuss it, that the private business ought to be transferred to some other tribunal, so as to give that House more time to attend to the general business of the country.

Mr. *Warburton* concurred in the observations which had fallen from the hon. member for Middlesex, and he thought when the House met at twelve o'clock, it would be advisable to reduce the quorum from forty to twenty.

Lord *Sandon* was of opinion, that it would be more convenient for the House to meet at a quarter to one o'clock, instead of twelve o'clock. He was willing to give his assent to the plan proposed as an experimental measure.

Mr. *Buckingham* hoped that the House would excuse him, though a new Member, if he ventured to propose a plan which he thought would be found to combine the various suggestions which had been made by different Gentlemen. He should propose

"That this House do meet every day, except Saturday, at two o'clock, for Private Business, receiving Returns, Reports of Committees, Notices of Motions, and other formal proceedings.

"That, at four o'clock precisely, such business be suspended until the following day at two; and that from four to six be exclusively devoted to the presentation and reception of petitions of a public nature, in the order in which the names of Members are entered on the Petition List.

"That, at six o'clock precisely, such business be suspended until the following day at four, to be taken up at the point at which it left off; and that, at six, the House do proceed to the business of the day, in the succession in which it is set down in the Order Book.

"That, at twelve o'clock precisely, if the discussion should proceed so far, the House do adjourn; but that to prevent as far as possible any abrupt break in the proceedings of the House, it be a standing rule, that no new subject of debate be originated or introduced after eleven o'clock, though the debate then carrying on may be proceeded with until twelve.

"That, for the relief of the Speaker, his



presence be dispensed with in the sitting from four to six, during which period the Chair be filled by the Chairman of the Committee of Ways and Means; but that the Speaker do preside over the Private Business, from two till four, and again over the Public Business, from six till twelve o'clock.

"That to save the time of the House, and afford an equal opportunity to all Members to take a part in the discussion of general questions, the following rules be observed:—1st. That on the day preceding the discussion of any question appearing on the Order Book of the House, Members intending to speak on such questions, do enter their names, as is at present done in the Petition List, and that such Members be called on in succession, in the order in which their names appear, giving them precedence over persons whose names are not so entered; thus introducing regularity in place of the present practice of ten or twenty persons rising at the same time:—2nd. That no Member be allowed to speak longer than twenty minutes on any one subject in the same evening, nor more than once, excepting only the introducer of a Bill or Motion, who shall have permission to speak twice—once on the introduction of the subject, and again at the close of the debate in reply; and be allowed thirty minutes on each occasion:—3rd. That, in the presentation of petitions, no Member be allowed to speak more than once on any Petition, and then for ten minutes only—except in case of opposition being made to its reception, or contradiction to its statements; in which case he be allowed to speak a second time, and be limited to ten minutes for his reply:—4th. That in rising to order, or speaking in explanation, five minutes be the utmost time allowed to each Member so addressing himself to the House.

"That, at the expiration of the several periods limited as above, the Member in succession shall have the right to claim a hearing from the Chair: but in the event of the Member speaking, not being interrupted by such claim, he may, by the indulgence of the House, and the courtesy of those who are to follow him, but not of right, be permitted to proceed."

Sir *Matthew White Ridley* said, that if Members would endeavour to compress their observations as much as possible, a great point would be gained towards faci-

lating the progress of the business of the House; but his own experience convinced him that business would be more impeded than assisted by adopting any proposition for adjourning the House at a particular hour. He did not anticipate any great benefit from the proposed plan, though he was willing to give it a fair trial; but he feared that in consequence of the House making two separate sittings in the course of the day, the proceedings of the first sitting would not be communicated to the public as fully as was desirable.

Mr. *C. W. Wynn* thought, that after meeting at twelve and adjourning at three o'clock, the Speaker should take the Chair at five o'clock without again counting the House. At the same time, it would rest with any hon. Member to move that the House be counted; for, he would never consent to abandon the right of any Member to count the House, and to insist upon an adjournment, when a sufficient number of Members was not present. He had listened with attention to what had fallen from his hon. friend, the member for Buckingham (Sir Thomas Freemantle), and he approved much less of the plan he proposed than of that of the noble Lord. He did not, however, think that it would be altogether fair to impose so great a tax upon the Speaker as this latter plan would impose. The interval of two hours from three to five, was not sufficient to afford him exercise and refreshment. Of course, before the Speaker could ride, it would be necessary for him to change his dress; and this would be necessary again on his return, and in that would be absorbed a very considerable portion of the two hours. At the same time, as the Speaker, in that fair and candid manner which he manifested on all occasions, had stated that he was prepared to sacrifice his own comfort to the public service, it would be improper for him to make any further objection. With respect to the proposal to receive petitions in a Committee of the whole House, he had to observe, that this was a custom in bygone times; and he saw no objection to its being revived. Formerly, a Grand Committee sat in the House every day; and if this were the case now, for the presentation of petitions, the attendance of the Speaker could be dispensed with. The great difficulty under which the House at present laboured had resulted, partly from the great increase of business, and partly from the great length

to which all debates in the House extended. In consequence of the publication of the debates, Members were anxious that their constituents should see that they took part in the discussion; and the consequence was, that hon. Gentlemen delivered arguments that had been urged by former speakers, not regarding what had been previously stated, provided they had the opportunity of delivering their sentiments. Another cause of the delay of business was, the practice of adjourning debates, which had led to the greatest inconvenience. The practice was of very recent growth, and when he first came into Parliament, debates were seldom or never adjourned; but the House used to sit out the discussion. He recollected, in 1795, a question unexpectedly arose relative to the abatement of an impeachment; and this occasioned an adjournment of the debate, which lasted three days. And he remembered full well, that the oldest Members of the House spoke of that as a circumstance unprecedented. Undoubtedly, long sittings produced much bodily fatigue; but, at the same time, they compelled Members to condense their observations, and prevented useless repetitions. This custom, therefore, occasioned a considerable saving of time. He thought that the House should, if possible, get rid of the habit of adjourning debates, and take only one discussion on each stage of a measure. When he first came into the House, the debates on petitions were confined to the respectability or number of the petitions, and a debate on the subject of the petition never took place; that was reserved for the period at which the question was regularly brought under the consideration of the House. At present, it was not uncommon for Members to speak five or six times on a subject, on presenting petitions; and afterwards, to take an active part in the discussion of the general question. He thought, therefore, it was advisable to separate the private business and petitions from the public business. One hour was amply sufficient for private business. He would not object to try the plan of the noble Lord, although he was not sanguine that it would work well. He would make one other observation. The noble Lord had taken an exception respecting election petitions. Now, it was well known, that on the trial of an election petition, a member of the Committee could not leave the room; and it might be of consequence that

he should be in the House to make observations on any petition or private bill. This was a difficulty, which, he was afraid, the noble Lord had not taken into consideration.

Lord *Morpeth* expressed a hope that the proposed arrangement of his noble friend would have the effect of keeping apart from each other, the discussion of subjects that were not naturally connected, and that they would not have upon petitions a series of observations upon matters totally distinct. He hoped the House would agree to the Motion then before them, and give the plan of his noble friend a fair trial.

Mr. *O'Connell* could not thus permit the petitions of the people to be, as it were, thrown into a refuse corner—for that, in effect, would be the operation of the noble Lord's plan; it was, in fact, a way rather of getting rid of the petitions than of discussing them. Another objection to the proposed alteration arose, in his opinion, from this—that it was now proposed that twenty Members should constitute a House. In his opinion, forty were too few to form a quorum of a body so numerous as the House of Commons; and he was sure, there was no one, who took the trouble to reflect for a moment on the subject, who would not agree with him, that even 100 would not be too large a quorum, constituted as the House now was; for the time had passed away when the House was made up of the nominees of borough-owners, who only took care to be present at those divisions in which their nominors were interested. The people now had considerable influence in that House, and, accordingly, there had been since the assembling of the Reformed Parliament a very full and constant attendance; and he felt quite assured, that if 100 were made to constitute the quorum, it would be an alteration attended with no inconvenience, and calculated to produce very advantageous results. It had been said, that the habits of society had materially changed of late years, and that those habits greatly interfered with the change in question; he admitted, that there had been a very great change in the habits of society; but, on the other hand, he was prepared to assert, that that change did by no means require that they should run counter to everything like reason and common sense; indeed, it was his opinion, that the change in the habits of society



were rather favourable than otherwise to the rational practice of doing business by day-light, for the change referred to mainly consisted in the circumstance of the dinner hour becoming gradually later and later, till it was now approaching towards eight o'clock. Now, if the business were conducted in the day-time, the hour of dinner would not be at all interfered with. Let them at once come to real business hours, and no longer encroach upon those which ought to be devoted to repose and relaxation. He had looked into the Journals on this subject, and found, that on the 17th of May, 1614, the House met at seven o'clock in the morning, and began business at eight o'clock, and no business was done after twelve o'clock in the day; and, by an order of the House in 1641, it was declared, that every Member who was not in attendance at eight o'clock in the morning, forfeited 1s., and those who were absent a whole day, 5s., which money the Sergeant was to gather in. The very first day that candles were ever lighted in that House was one memorable in the annals of Parliament—it was the day on which the Monarch (Charles 1st) came down to that House, and, seating himself in the Speaker's Chair, gave orders for the arrest of the five Members. He did not think that, from that ominous period to the present, the business of the nation had been better done by candle-light. Later down than the times he had mentioned the House rose at twelve. Why? Because that was the hour of dinner. When the dinner hour was advanced, as was stated by Lord Clarendon, to one o'clock, the House rose at one. The dinner hour was now protracted to eight; why not rise at that hour? If the House met at ten in the morning, and continued to sit till eight or nine at night, it might then get through the business without any great fatigue. Dinner and its concomitants were but bad stimulants for an effective discharge of parliamentary duties, though they might have the effect of stimulating hon. Members to continue the debate longer than was consistent with health, or with the true interests of the constituent body. Why should not the same course be taken with the public business as was pursued in transacting all the other business of the kingdom? All the Law Courts were open during the day, and closed with the night, and why should it be impracticable to legislate by day-light? He again would

press upon the attention of the House, that they were the only deliberative body in the world, who transacted business at night. He was aware that it would not do to sit ten hours every day, but three days in the week under that arrangement, would be sufficient for the real business of the country. It seemed, by what every one had said, that the public business in that House could not be carried on any longer under the system which was at present adopted; and, though he would not make any specific motion in support of his own views, he would beg to suggest that the matter be referred to a Committee, to inquire into the possibility of making arrangements to meet at an early hour in the day, and discontinuing the present practice of sitting at night.

Mr. *Ewart* corroborated the opinion of the hon. member for Dublin, that the public business of legislation was at present carried on at too late an hour, and too much under the inspiration of good dinners, and their accompaniments, to be productive of that benefit to the nation which, from its importance, it ought to be.

Mr. *Richards* observed, that it was totally impossible that the House of Commons, constituted as it at present was, chiefly of men engaged in the active pursuits of life, should be able to devote a larger portion of the day to the public business than it was proposed by the resolution before the House to do. Any change in the hours of doing business would deprive them of the presence and assistance of lawyers, merchants, and other men of business.

Mr. *Robinson* said, that the objections which were made to the early meeting of the House in future for the purpose of receiving petitions, on the ground of not sufficiently considering those petitions, were not well founded, because it was well known that the petitions received full consideration when the subject of them came before the House in the form of a legislative enactment. It would, he thought, be desirable to separate the petitions from the general business of the House. He did not see why petitions might not be received in a grand Committee of the House. It would, he thought, be difficult to get forty Members to make a House at twelve in the day.

Lord *Althorp* observed, that some misapprehension existed as to the mode in which a House would be in future made

under the resolution which he had proposed. He meant it to be settled that, in future, a House should be formed if there were twenty Members present, unless any person present should think proper to notice that there were not forty Members, in which case the Speaker should count the numbers present, and if forty were not there, they should adjourn till five o'clock. Should there be no motion to count the House, and the petitions and private business be got through, then the House should meet at five, and the Speaker should take the Chair without being under the necessity of counting in forty Members. The hon. and learned member for Dublin had suggested that they should meet early in the day, and had asked what objection there was to this plan, which, as he said, was followed by the law courts and public offices? But the case of the Parliament differed from that of any other public body; for their sittings were carried on uninterruptedly for a period of five, six, and seven months, and, unless Members had no other business to attend to, it would be impossible for them to devote the whole day, for so long a space of time, uninterruptedly to the business of legislation.

Mr. *Robinson* further observed, that they could not expect that the whole day should be devoted to the business of Parliament, seeing that the House was not made up solely of men of fortune and leisure.

Sir *Robert Harry Inglis* thought the plan impracticable. In the course of the next month there would be a daily claim upon the time of no less than 300 Members, for the purpose of considering election petitions, and in Committees on public and private Bills; and how, he should like to know, could the Members who were thus occupied, find opportunities of attending in the House between one and three o'clock for the purpose either of presenting petitions, or of opposing them, when they were imperatively called upon to attend in their respective Committees, under the penalty of a fine for omitting to do so?

Mr. *Cobbett* thought that the great object of the propositions was a tendency, a premeditated tendency, to abridge the right of petition. It was admitted by all that they could not go on as at present—Parliament was giving way, the Church was giving way, the forms of that House

were changed, and yet men constantly cried out against all change. The grand Committee of Grievances was gone—the grand Committee of Justice was done away with—how, then, could the complaints of the grievances of the people be heard except by their petitions? That those grievances had increased they had evidence in the fact that the petitions of the people had increased from 800 to 5,000 or 6,000, and the grievances were just in the same proportion; yet the people showed an unexampled patience. He should, to-morrow, give notice of a call of the House for Friday, when he should show that the people of this country were the most patient people in the world. If the plan of the noble lord were adopted, and the House met at twelve o'clock in the day, no one would attend to hear the petitions of the people, and the Speaker would have to preside over empty benches. It was proposed by one party to classify the petitions, and then to see which should be printed, and then, perhaps, it would come that none of them would be printed. The petitions of the people ought to be received with the greater attention, as it was well known that a vast majority of them had no voice in sending Members to that House. He and his hon. colleague were sent there by 1,100 electors of Oldham; but who was to represent the 50,000 or 60,000 inhabitants of that town and its neighbourhood, and how were their complaints to be heard, except by petition? He could not but look upon this plan as a premeditated intention to defeat the petitions of the people; and, if he stood alone, he would take the sense of the House on the Motion.

Lord *Althorp* repelled the imputation that it was intended by the proposed arrangement to defeat the right of petition; on the contrary, it had for its object the giving a more ample time for the consideration of such petitions. As to the classifying of petitions, so far from intending to conceal the grievances of the people, it was to place them more prominently before the House. They were much more likely by that method to receive the attention which, he admitted, they deserved, than by the present method, because at present the petitions were, from want of classification, very often disregarded, owing to the irregular manner in which they came before the House. The hon. Member also



did not seem to know that the practice of printing petitions was altogether of modern origin, and he certainly did not see the necessity for continuing to add to the public expense by printing petitions over and over again, in which the same grievances were complained of, in the identical phrases used in other petitions. The tone of the hon. Member's observations, perhaps, might call for some further remarks, but he should content himself with the explanation he had given of his views in proposing the resolution before the House. His proposal, instead of abridging the time allotted to the reception and consideration of petitions, would extend it, for at present the public business began usually at five, and thus not quite an hour was given to them, whilst, by his plan, they would be received from a quarter-past one to three o'clock, an extension of nearly an hour. If the plan of the hon. Member for Dublin were adopted, it was one which personally to him could not but prove very convenient, for he should have three days in the week, and every evening to devote to official business; he should, in consequence of the change, feel himself in a situation much better than at present; but he greatly doubted whether such a change would prove convenient to the House, or promote the despatch of business. He also doubted that, during debates in the day time, they could command such a full attendance of Members in the House; for though they might be in attendance within the buildings adjacent, they would spend the whole morning up stairs writing their letters. He would admit that the same objection might be applied to part of his plan—that of sitting at twelve to receive petitions; but it would apply to it in a less degree than to the transaction of the general business of the House at the same period. He would not say, that the plan he proposed would remove all the inconveniences complained of, but it would remove many of them. There would, he hoped, be a great advantage gained by having the House sitting from a quarter-past twelve to three, and the new regulation as to speaking on petitions would be a great saving of time. He submitted the plan as an experiment; if it should not succeed, he would cheerfully consent to change it for any other that should be considered more practicable. Notwithstanding all the objections which had been urged, he

did feel it to be his duty to press the Resolutions modified in the way he had mentioned. It was quite clear that some alteration must be made, and they had better try this plan as an experiment.

Mr. *Warburton* suggested, that, in any case, when there was not a quorum at twelve o'clock, it should not prevent their doing business at five, should a sufficient number of Members attend at that hour.

The House divided on Lord Althorp's first Resolution: Ayes 133; Noes 14—Majority 119.

The two next Resolutions proposed by the noble Lord were also agreed to.

On the proposition "That if a House be not formed before one o'clock for the sitting between twelve o'clock and three o'clock, Mr. Speaker do then take the Chair, and count the House, and if forty Members be not present, do adjourn the House till a quarter before five o'clock; and, in like manner, when the House is to meet at a quarter before five o'clock, pursuant to adjournment, if the House be not formed before a quarter past five o'clock, the Speaker do then take the Chair, and count the House, and if twenty Members be not present, do adjourn the House till twelve o'clock the next day, unless such day be Saturday, in which case Mr. Speaker do adjourn the House to Monday, at twelve o'clock."

Lord *Althorp* said, he had altered his Resolution, and made the time a quarter past five o'clock, which, in the proposition, as printed, stood for five o'clock; and he proposed that the number of Members required to be present should consist of twenty, instead of forty.

Sir *Thomas Freemantle* objected to the departure from the old-established custom, and proposed as an Amendment to the modified proposition of the Chancellor of the Exchequer, that the number forty be restored, as in the printed proposition.

Lord *Althorp* said, it had stood in the proposition originally, as the hon. Baronet now suggested, but the objects to be gained by the change he had introduced were of great importance for the despatch of business; and if it were resisted, he should feel it his duty to divide the House upon it.

Mr. *C. W. Wynn* said, that he was of the opinion of the hon. Baronet.

A Division took place on Sir *Thomas Freemantle's* Amendment—Ayes 37; Noes 98: Majority 61.

It was then proposed that a Select Committee be appointed, to which all Petitions should be referred, and on which should devolve the task of classifying the same; which Committee should have the direction of the printing of such petitions, either in part or in whole.—Agreed to.

House to meet on Wednesday next, at twelve o'clock, pursuant to the Resolution agreed to.

**MODE OF TAKING DIVISIONS.]** Lord *Althorp* said, that some difficulty had been felt, occasionally, to determine which party should go into the lobby during a division. The general rule was, that the minority should go out; but it was occasionally difficult to ascertain which was the minority. He (Lord *Althorp*) proposed, that whichever party was declared by the Speaker to be in the minority, or which should call for a division, should go into the lobby.

Mr. *C. W. Wynn* had no objection to the proposal made by the noble Lord; but he thought that, as it was contrary to the rules of the House to make any such Motion without notice, it might be expedient to postpone the Motion.

Lord *Althorp* had no wish to press the Motion on the House at present, if it was thought desirable to postpone it.

The Motion withdrawn.

Lord *Althorp* also moved, that, in future, all Orders of the Day fixed for Mondays or Fridays, should be taken into consideration before any other motions in the Order-book.

Mr. *C. W. Wynn* asked, if the noble Lord meant, that in a case of sudden emergency, a Member would not be allowed to make a Motion? He (Mr. *Wynn*) had known instances in which that privilege was of the utmost importance, and where the effect of the Motion would be lost if it could not be brought forward till after notice had been given.

Lord *Althorp* did not for a moment conceive that Members should give up the right of making Motions without notice, in an emergency. The notice of Motion was merely a matter of courtesy, and it should always be left to Members to consider whether it was important to bring forward a Motion without observing the usual courtesy.

The Motion agreed to.

**ECCLESIASTICAL REVENUE.]** Mr. *Har-*

*vey* said, that, in consequence of information which had been given to him by an hon. Gentleman, he should withdraw the Motion of which he had given notice, for a "Return from the Commissioners appointed to inquire into the Ecclesiastical Revenues, to ascertain the locality and description of each separate property charged with any fee-farm rent, pension, stipend, rent, and other payments reserved by leases (other than rack-rents), and redeemed land-tax; specifying the probable number of acres and annual value thereof, the tenure, the amount of the fixed payment of whatever description to which it is subject, whether the leases renewable, upon the survivor of life or years, and the customary terms of renewal." He should, however, give a fresh notice for the 8th of March, and he begged to state that, if not acceded to, he should, on that day, take the sense of the House upon the subject.

Dr. *Lushington* said, it was impossible for the Commissioners to supply the information required at present, for they had not directed their inquiries to that part of the matter. It would, indeed, take a great deal of time, a great deal of trouble, and a vast deal of expense, to give the returns required by the hon. Member; for not only would the Commissioners have to issue upwards of 12,000 circulars, but they would have to commence all their proceedings *de novo*.

Mr. *Harvey* thought the greatest objection brought by the hon. and learned Member opposite to his Motion was, that 12,000 circular letters must be addressed. But he (Mr. *Harvey*) thought the Motion of such importance, that, let the trouble be what it might, he was determined to take the sense of the House upon it.

Motion postponed.

## HOUSE OF LORDS, *Thursday, February 21, 1833.*

**MINUTES.]** Papers ordered. On the Motion of Lord *ELLENBOROUGH*, further Accounts relating to the Trade of India and China with England and America.

Bill brought in. Change of Venue (Ireland).

Petitions presented. By Lord *GREY*, from Leeds, Alnwick, and Hexham; by Lord *DURHAM*, from Durham, Gateshead, and Stockton-upon-Tees; by Lord *WHARNCLIFFE*, from the Protestant Dissenters of Framé Chapel, Chalford Hill; and by Lord *SUFFIELD*, from Newcastle-upon-Tyne, against Slavery.—By Lord *TEYNHAM*, from Stanstead, Wrotham, Shipborne, and from Ightham, against Tithes.—By Earl *GREY*, from Locharron; by the Bishop of BATH and WELLS, from Bath; and by the Bishop of EXETER, from Dartmouth, for the Better Observance of the Sabbath.—By the Earl of *BROWNLOW*, from Spilsby, against the Beer Bill.



SUPPRESSION OF DISTURBANCES' (IRELAND).] The Earl of *Shaftesbury* brought up the Report of the Committee on the Coercive Bill for Ireland. Many of the Amendments made in the Committee were agreed to.

Earl *Grey* moved that a proviso be inserted at the end of one of the clauses, to the effect, that counsel for the prisoners before the courts-martial should have the right to examine and cross-examine witnesses as in courts of law. He thought this a most important security to the prisoner, and he was also of opinion that it would tend much to shorten the time occupied in the trials. At present, the prisoner had the right to put any question his counsel thought proper, but it had to be put in writing before the President.

Lord *Ellenborough* said, as he understood the object of the clause originally agreed to in the Committee, it was, that the courts by which offences under the Act were to be tried, should be constituted similarly to courts-martial, and, consequently, that the prisoner's counsel should not cross-examine the witnesses. He did not say that mode was preferable; but if their Lordships agreed to the present Amendment, he did not see how they could consider these courts at all in the light of courts-martial.

The Duke of *Cumberland* said, that a Serjeant-at-law was to preside at those trials as a Judge-advocate, for the very purpose of putting questions. Through him all questions were put, and the noble Earl's Amendment would have the effect of changing the very nature of courts-martial.

Earl *Grey* admitted, that such was the case, but said, the illustrious Duke did not take into consideration the circumstance that the prisoner, on all these occasions, was allowed counsel—the only difference would be, that instead of questions being put by the counsel through the prisoner, and again through the court, they would be put direct, by which much loss of time would be avoided.

Lord *Beresford* said, the Judge-advocate presided much in the character of a prosecutor, and it was desirable that the prisoner, on his side, should have something to balance this circumstance.

The Earl of *Harrowby* said, that as courts-martial were at present instituted, all questions on the part of the prisoner must be put through the Judge-advocate or the Court, in order to give the Judge Advocate the opportunity of cross-examining on the part of the Crown. If counsel

were to cross-examine, it would greatly vary from the usual practice. If they intended to have courts-martial, they should be courts-martial.

The Lord Chancellor admitted, that the Judge-advocate presided partly as prosecutor, partly as intercessor for the prisoner; but the noble Earl should remember that there was a prosecutor besides; and there was nothing to prevent the prosecutor from employing counsel, and of course those counsel would have the same facilities as the counsel for the prisoner. It would be a considerable saving of time; at present the counsel sat behind the prisoner, and all the questions which his ingenuity could suggest were put through him. Nay, it not unfrequently happened—he would not say it was done by experienced barristers, but still, it not unfrequently happened that advocates were on this account induced to put questions which they might not be disposed to put in their own persons. It would, therefore, tend much to abbreviate the length of proceedings.

Lord *Wynford* said, he should support the Amendment. The jurisdiction of the courts contemplated by the Bill differed from the ordinary jurisdiction of courts-martial, inasmuch as it extended to civil cases. The prisoners, therefore, ought to have the same advantages as in the civil courts. He was convinced, also, that it would abridge the length of the proceedings.

Lord *Beresford* remarked, that the proceedings of courts-martial were written, and not oral.

Lord *Ellenborough* had great doubts whether the noble Earl's Amendment would prove an advantage to the prisoner. It would be extremely difficult to take down in writing cross-examination.

Amendment agreed to.

Several verbal Amendments were agreed to.

Earl *Grey* moved the insertion of a clause to the following effect:—“Be it enacted, that from and after the passing of this Act, no person shall make, or aid, or assist in making, any light, fire, bonfire, flash, blaze, or other signal; or by smoke or firing, fireworks, firing of guns or other fire-arms, or by the blowing of horns, or by the ringing of church, chapel, or other bells; or by any other contrivance or device, give any notice, signal, or intimation to any person or persons engaged in illegal combinations or assemblies against the provisions of this Act: and that no person

shall make or assist in making any such signals, or any other signals, to call persons to assemble together, or to act in concert together, for any purpose not warranted by law, or which is prohibited by this Act, or to assemble in any unusual numbers to endanger the public peace: and if any person shall, contrary to the Act, make any such signals or notice, such person shall be guilty of a misdemeanor; and every such offence so committed in any district proclaimed in pursuance of the provisions of the Act, shall be cognizable by court-martial; and if not committed in any such district, shall be tried and punished according to the course of the common law." The latter part of the clause was added in consequence of a suggestion made by a noble Lord, that signals were often made in a county adjoining the proclaimed district.

The Earl of Harrowby thought the clause preferable to his own. He would suggest, that signals were, in many cases, made to give notice of the march of troops, and he thought that ought to be included.

The Clause and other Amendments agreed to.

#### HOUSE OF COMMONS, Thursday, February 21, 1833.

**MINUTES.]** Papers ordered. On the Motion of Mr. ESTCOURT, an Account of the Amount of County Rates in England and Wales, and the manner in which they are expended.

**New Writs issued.** For the Northern Division of Northampton in the room of Lord MILTON called up to the House of Peers,—For the City of London, in the room of Alderman WATHMAN, deceased.

**Committee appointed.** On the Motion of Mr. KENNEDY, to Inquire into the Law concerning Entail in Scotland.

**Petitions presented.** By Mr. GILLON, from Falkirk, against Nocturnal Legislation.—By Mr. BUTLER, from Ballyragget, against Tithes; and for the Repeal of the Union.—By Mr. BRILBY THOMPSON, from Burlington and Bridlington Quay, for the Abolition of Slavery.—By Mr. WYNN ELLIS, from Leicester, for the Repeal of the Corn Laws.—By Mr. CHILDERS, from Duxford, and from Basingbourne; and by Lord ORMELIE, from Scone,—against Slavery.

**TITHES (IRELAND).]** Colonel Butler presented petitions from the parish of Ballyragget and another parish in the county of Kilkenny, praying for a general redress of grievances, complaining of the abuses of the grand jury system, and praying for a reduction of Tithes and Church-rates, and for the restoration of a domestic Legislature. The gallant Colonel said, he was happy to find, from what had occurred the other evening, that the gross abuses of the Grand Jury system in Ireland were at length about being remedied, but he was sorry, at the same time, that his

Majesty's Ministers, instead of reducing the tithes, were about to introduce two most objectionable measures—one for perpetuating the tithe system in Ireland, and the other for enforcing the payment of tithes in that country, in the only way that it could be enforced—namely, at the point of the bayonet. With regard to the Legislative Union, he would implore English Members to meet that question, and to convince those who were at present favourable to the Repeal of that Union by the production of sound arguments for that purpose, if they had such to offer.

Sir Charles Coote begged to take the opportunity to refer to a statement which had been made by his hon. colleague (Mr. Lalor) in reference to the state of the Queen's County, on Tuesday night. The hon. Baronet was understood to say, that his hon. colleague had made the same charge on the hustings at Maryborough, in the Queen's County, and that when called upon for the names of the persons to whom he alluded he refused to give them. He was surprised, under such circumstances, to find that his hon. colleague not only persevered in the charge, but that he brought it forward in that House against persons who were absent, and who had no opportunity of defending themselves there. The Magistrate that was alluded to had stated to him that there was not the slightest foundation for the charge in question.

**LIVERPOOL ELECTION.]** Mr. Benett presented a petition from upwards of 3,000 inhabitants of Liverpool, complaining of bribery and corruption, both in the election of a chief Magistrate of that city, and in the election of Members of Parliament. The petitioners were persuaded that the provisions of the Reform Act were not sufficient to remedy the abuses complained of. The system of bribery which had prevailed at Liverpool had increased rather than diminished since the alteration which had recently been made respecting the laws of election. In fact, any chance of improvement in the mode of election was despaired of, unless those who had formerly been in possession of the elective franchise as freemen of Liverpool should be entirely disfranchised. The Reform Bill, in the case of Liverpool, had certainly not remedied the evils, of which complaints had frequently been made. The petitioners were formerly opposed to



the Bill which had been introduced on the subject; but now they were desirous to have it re-introduced, because they had found, by the experience of last election, that as things had hitherto existed, there was not the slightest chance of purity of election. He had proposed the measure which he now brought forward in two preceding Parliaments, but by some fortuitous circumstances it had hitherto been prevented from being taken into consideration. The present petition had been signed by the most respectable inhabitants of Liverpool, and, therefore, it ought to have great weight with that House. He had stated that, from information which he had received, upwards of 3,000 freemen had, during the last election, been bribed in Liverpool. He could prove that fact from undeniable evidence. He had the fact from the parties themselves, and he knew that the books with the names of these parties could be produced. He should, therefore, move for a Select Committee, to take the petition into consideration; and he hoped, that that Committee would make such a report as would induce the House to pass a bill for the abolition of the rights of freemen of Liverpool altogether, and thereby to purify the elections in that borough, both with respect to the chief Magistrate and to Members of Parliament.

Petition read.

Lord *Sandon* said, that he would not upon this occasion enter into a full discussion of this subject, as a fitter opportunity for so doing would present itself when his hon. friend should move for the Select Committee, the appointment of which he had intimated his intention to move for upon a future day. He could not avoid observing, however, that there were two or three strange peculiarities connected with this charge now preferred against the freemen of Liverpool. In the first place, when, upon the occasion of former elections at Liverpool, similar charges had been preferred against the freemen there, the parties so accusing them, either prosecuted such charges in the courts of justice, or before an election Committee of that House, or preferred them to that House, sitting, not in its judicial, but in its political capacity, when the witnesses that might be examined to the facts alleged could not be examined under the sanction of an oath. But the present accusers of the

freemen of Liverpool had shrunk from the only proper mode of investigating the charges which they preferred against them; and now this party, which had originally, and in vain, attempted to corrupt the freemen of Liverpool, which had hoaxed, and wheedled, and praised them until they found that they would not serve their purposes, had come forward to call for their disfranchisement. He could assure the House, and he did so upon the assertions of men of honour and respectability, that there had been no corruption at the last election for Liverpool. He would further state, that neither the candidate to whom this petition referred, nor that candidate's Committee, had connived at or been privy to any system of bribery or treating at that election. He did not mean to deny that, upon one great and notorious occasion, there had been great and notorious bribery at Liverpool; indeed, it would be impossible for him to deny the fact, as a Committee of that House had brought in a report substantiating it, and the case was altogether a most notorious one; but he would deny, that since that notorious case there had been any bribery at Liverpool. Three elections had, since that time, taken place, and they had been unimpeached—he would repeat unimpeached—for vague rumours and general accusations were not to be taken as proof in the absence of all satisfactory evidence. If bribery had then taken place, why did not those petitioners come forward to prove it in the proper way? Those petitioners said, that if the Reform Bill had done its work there would have been no necessity for this inquiry: what they meant when they spoke of the Reform Bill “not doing its work” was, its not succeeding in giving a preponderance to their party in the town of Liverpool. If it had so succeeded, the House would never have heard of this petition. The petitioners shrunk from proceeding in the ordinary manner under the Grenville Act, as they feared that their petition would be voted frivolous and vexatious. At all events, if the petitioners had any cases of bribery or corruption to prove, they should be prosecuted before courts of justice, and not before such a vague and indefinite tribunal as a Select Committee of the House of Commons.

Mr. *Wason* observed, that the noble Lord had commenced his speech by deprecating discussion; yet, during the

time of his addressing the House, he had favoured them with a series of assertions upon the subject, which he had no doubt, that the noble Lord believed to be true; but he (Mr. Wason), on the contrary, believed that they were utterly destitute of all foundation. The Chief Magistrate of Liverpool had, for many years, been elected by bribery and corruption.

Lord Sandon: Not of late years.

Mr. Wason answered, that of late years, the money had been wanting. The noble Lord might cry, "Oh!" but the last contested election for the Chief Magistracy of Liverpool had cost the successful candidate 8,000*l*. Would the House take the allegations of the noble Lord, in preference to the assertions of 3,000 inhabitants of Liverpool, who stated that their Chief Magistrate was elected by bribery and corruption? In answer to the observation of the noble Lord, that the petitioners had not come forward to prosecute electors for bribery and corruption at the last election, for fear of their Petition being declared frivolous and vexatious under the provisions of the Grenville Act, he must observe, that he did not believe that there were more than four or five cases in which petitions had been declared frivolous and vexatious since the passing of that Act. The petitioners had, from a regard to the interests of the city of Liverpool, neglected to petition against the noble Lord's return; and the noble Lord would probably not have made such a remark, if the fourteen days allowed for the reception of election petitions had not previously expired. He did not consider the noble Lord justified in casting the imputations which he had cast on the respectable men who had signed the Petition. He (Mr. Wason) would state one or two facts respecting the last election. Many drunken men were carried upon the box and carriage of the noble Lord, who was himself inside, and at one of the poll-booths, the Deputy Returning Officer refused to receive the votes of a considerable number of the electors, in consequence of their having presented themselves in a beastly state of intoxication. He should like to know how the noble Lord could account for his ultimate election, when the opposing candidate had a majority on the first day of 600 voters, unless by supposing that his majority of 145 was composed of freemen, who had kept back

until their votes should become of considerable value. He supported the prayer of the petition, which called only for inquiry. He was sure that no two Gentlemen in the House would be found who would not admit that the case of the last election at Liverpool was one of the most flagrant instances of corruption which had ever taken place.

Mr. Gladstone said, the Reform Bill had not produced at Liverpool the effect which had been anticipated from it. He would venture to say, however, that no corrupt influence had been used either by the noble Lord or by any of his supporters during his last election.

Mr. Warburton observed, that no attempt was made to unseat the noble Lord. Nothing in the petition went to assert that the noble Lord, or any of his supporters at the last election had been guilty of sanctioning any undue practices. The hon. Member who last addressed the House (as he understood him), had made an asseveration, that no undue influence or improper practices had taken place during the late election for Liverpool, either on the part of the noble Lord or of those who supported him.

Mr. Gladstone said, that no such practices had taken place, to the best of his belief.

Mr. Warburton inquired, how it could be possible, in the case of Liverpool, where there was so much opposition among the parties which divided the electors, for any individual to make a positive asseveration that no undue influence had been exerted? He considered that the Petition contained allegations which were fit subjects of inquiry.

Petition to lie on the Table.

MERCHANT TAILORS' COMPANY.] Mr. Attwood presented a petition from the Warden and Members of the Company of Merchant Tailors, praying the House to rescind the petition of Hugh R. Franks, presented the other evening, as the petition contained gross libels on the said company; and that the House would devise some means of preventing the abuse of the right of petitioning, and thereby restrain an individual from injuring the character of honourable and respectable persons. The right of petitioning was one of very great value, and for that, amongst other reasons, should its exercise be confined to the statement of real grievances. In this



case it was made the means of setting forth gross and unfounded libels; and here he would take leave to suggest the necessity of ascertaining the truth of the matters contained in a petition before any Member presented it to that House. The petitioners further prayed that the petition he had referred to should not be sent to the Committee on Corporation Abuses, as they did not consider it competent in that body to take cognizance of trading corporations such as those of the Merchant Tailors. The petitioners also thought, and he fully agreed with them, that no extension of power should be given to the Committee on Corporation Abuses, without the express concurrence of that House. This part of the prayer he thought could not be denied to the petitioners, for the claim they thus preferred to the House had been recognized in the case of most other committees, which were appointed to inquire into certain but yet given and defined objects. Such was the case in the Bank and East-India Company's Charters. The Petitioners, as he had stated, complained of the abuse of the right of petition which had taken place in this instance, while they, and he with them, would always admit that it was the proper and legitimate mode, when properly and legitimately exercised, to bring the grievances of the people under the notice of that House. While this, however, was an admitted right, it became a very serious evil that an individual, or a few individuals, should be able, through its instrumentality, to libel and calumniate respectable and honourable persons. A right, the exercise of which was liable to such dangers and such evils, should, if possible, be restrained, if not by the interference of that House, certainly by Members who had petitions to present taking care to examine into the allegations they might contain before they gave a most dangerous currency to them by their being presented to that House. The petition with which he was now intrusted was signed by many honourable, respectable, and independent Members of the Merchant Tailors' Company, and also by men who stood eminently high in the commercial world. They were charged with misappropriating the funds committed to their care for charitable purposes, and this charge they solemnly denied. They were charged with perverting the funds of their Corporation to their private uses, and this again they

denied. The men so charged were, as he had just observed, most respectable persons; many of them had been Members of that House; many of them were now City Magistrates—men, than whom none were of greater wealth, respectability, and independence. The petitioners complained that the hon. Member who presented the petition of which they had now complained, had not stated its contents to the House, although, upon his Motion, it was ordered to be printed, and in this way its calumnies and libels had obtained an extensive circulation. He (Mr. Attwood) was not in the House when the petition was presented, but he understood that the hon. Member who did present it had said a good deal upon the abuses practised by the Corporation of Merchant Tailors. It was therefore the duty of the persons so libelled, in courtesy to that House and in duty to themselves, to deny the charges which had been alleged against them, and that in the most earnest, unequivocal, and solemn manner. He would not, however, on this occasion, occupy the House with any details, although he was fully prepared to show that the conduct of the Corporation of Merchant Tailors had been such at all times as to challenge the strictest investigation. On the part of the petitioners, as well as on his own, he would declare that the allegations made against them were unfounded in fact, and malignant and unjust.

On the Motion for bringing up the Petition,

Mr. Hill said, that as he was the Member who had presented the petition which the hon. Member had so loudly complained of, he trusted the House would allow him to say a few words on the subject. When the hon. Member thought fit to insinuate that he (Mr. Hill) had wilfully kept the nature of the petition from the knowledge of the House, and that the petition had been presented in the hon. Member's absence, he might have had the candour to inform the House, that he (Mr. Hill) had sent the hon. Gentleman a copy of the petition—that he had informed the hon. Gentleman when he intended to present it—that he was prepared to present it on Friday, his name having stood at the head of the paper of that day, but that, at the request of the hon. Member, he had postponed the presentation to Monday, in order to give the hon. Gentleman an opportunity of being

present, and of making any observations on the petition which might occur to him. Under these circumstances, he thought that the hon. Gentleman had made a most unfair attack upon him. If he had acted as the hon. Member insinuated, he should have forgotten what was due to himself as well as to the House. The hon. Member had spoken in very general terms of the petition; and had complained that nothing had been stated in it but some vague personal accusations. In presenting the petition, he had not thought proper to go into the particular charges of the petition, though there were many; and he would now state one of them. The petition stated, that the Merchant Tailors' Company were in possession of considerable funds for charitable purposes, which they did not duly apply; and the petitioner gave his reasons for the statement. There was one particular bequest made to them, in the reign of Elizabeth, of 5*l.* a year to be paid to the poor. The property which then yielded the 5*l.* now consisted of no less than thirteen houses. Of that property the Merchant Tailors' Company were in the continual receipt of the rents, and yet they continued to give only the miserable pittance of 5*l.* a-year to the poor. He submitted that the Merchant Tailors' Company was a Municipal Corporation, and that, therefore, it was a very proper petition to be referred to the Committee on Municipal Corporations. The Merchant Tailors' Company was one of those companies in the city of London to one of which an individual elected to be a Lord Mayor or an Alderman must belong. The Merchant Tailors' Company had very little to do with trading, but it had a great deal to do with the Government of the City; and it was because there was to be an inquiry into the state of the Corporation of the city of London, in common with other Corporations, with a view to a reform, and because it was manifest that that inquiry and reform never could be complete without an inquiry into the state of this Company, that he had thought it right to present the petition in question to the House. It appeared that the Merchant Tailors' Company had, within the last twenty years, increased their fines for admission, from thirty guineas to 80*l.*; and, when they were asked why this was so, they refused to assign any reason, and refused the inspection of their books and

muniments. The charters of these companies, from the time of Edward the 3rd to that of Henry the 7th, all vested the right of the officers of these companies in the body at large; and yet, in the case of the Merchant Tailors' Company, not two years ago, a respectable body of the members of that Company were treated as trespassers and rioters by the hon. Member who was Master of the Company, for seeking to exercise their rights, and for seeking the use of their own hall. Did not this usurpation demand inquiry? Did not this prove that the Merchant Tailors' Company exercised the rights of a municipal corporation, and were therefore liable to the same inquiry as all other municipal corporations? Nothing was proved by the speech of the hon. Member, or at all as showing that the allegations in the petition which he (Mr. Hill) had presented were false, unless, indeed, a loose, vague, and general denial could be taken as proof. As to the character of the petitioner, he (Mr. Hill), was not unacquainted with him, and he believed that he was a most respectable man. It was a new doctrine to advance in that House, that no petition ought to be presented to it except by a large body of persons. For his part, he had always been taught, that any man who had a grievance to complain of, was entitled to submit it to the consideration of the House. What did the petitioner pray for? Inquiry. All, too, that he (Mr. Hill) had asked for, was inquiry; but the present petitioners had resisted it. They had also resisted it when it was sought for in the Court of King's Bench; and he could not help deeply regretting that the Court of King's Bench, which should be a court of protection for the people, was so fettered by old and bad precedents that they refused to issue a *mandamus* for the inspection of the muniments of the Merchant Tailors' Corporation. He was well aware that many members of that Corporation were honourable and respectable men in private life; but it was almost the condition of human nature that even good men, when they became members of a corporation which was founded on a system of corruption, became contaminated by it, and that they would do, in their corporate, what they would shrink from in their private capacity. He did not blame the individuals, but the system on which they acted. If, however, the Corporation had done every thing that was right, why



should they resist inquiry? If they had done all that the hon. Member had stated, why then inquiry would enable their virtues to shine forth with greater brightness. Surely the hon. Member, who was master of the Company, might be satisfied with the power which he already had, without refusing their rights to the body of the Company, which consisted of many hundreds of respectable persons. He had been charged by the hon. Member with not doing his duty to the House in abstaining from entering into the details contained in the petition which he had presented. He was certainly a young Member, but yet not so young as to be guilty of any inadvertence as to the forms of that House. Neither was he guilty of any inadvertence to the hon. Member, as must be evident to the House, when he again repeated that he had sent a copy of the petition in question to the hon. Member.

Mr. *Cobbett* said, he knew the petitioner, and he could say that he believed his character, public and private, to be as good as that of the warden of the Merchant Tailors' Company; and as for his trade, he knew that it was fully as good, for he was a maker and issuer of hats, though not of notes.

Mr. *Attwood* said, that in the remarks which he had felt it his duty to make, he meant to cast no personal imputation on the conduct of the hon. and learned Member. He avoided any such observations—he avoided entering into details—he—

Lord *Althorp* here interrupted the hon. Member, by making a reference to the recent regulations of the House, by which, the hon. Member, in this stage of the question, was precluded from making a reply, having made an opening speech on the presentation of petitions.

The *Speaker* said, it was very desirable that this point should be thoroughly understood. According to his view of it, it stood thus:—An hon. Member in presenting a petition would have an opportunity of speaking twice; first, on the question that the petition be brought up. The question that the petition do lie on the Table would then be a matter of course. If that were a matter of course, then the individual who presented the petition might lie by, and would have an opportunity of answering afterwards any of the observations that had been made.

Mr. *Attwood* declared, that he had been grossly misrepresented when he had been

described as apprehensive of an inquiry into the state of the Merchant Tailors' Company. The complaint which he had made was, that the petitioner libelled and calumniated parties, whose characters were affected by it in a manner which they had no opportunity of meeting. The petition contained charges of the most atrocious nature against the members of the Corporation. As to the right of the petitioner to interfere with the management of the funds of the Company, that had been positively disallowed by a Court of Law. He protested against an hon. and learned Member, after the case had been adjudicated before the legitimate tribunal of the Court of King's Bench, introducing it to the attention of that House, because the decision had been against his client.

Mr. *Hill* denied, that he was at the time the feed counsel of the party. If he had been so, he would not have presented the petition.

Mr. *Attwood* continued. He had understood that the hon. and learned Gentleman conducted the suit of the petitioner in the Court of King's Bench. He hoped the House would not countenance professional men in the practice of bringing their unsuccessful clients into that House to try their cause again. The Courts of Law, he would contend, and not that House, had the power of deciding who had the proper exercise of jurisdiction in particular Corporations—[*hear, hear*!—]—and he would go further and say, that that House was not to be made an arena for discussing such rights, though he was aware that the abuse of all Corporations, whether just or unjust, was a source of no inconsiderable popularity. He did not think it very becoming in the hon. and learned Member to have spoken of the "bad precedents" on which the Court of King's Bench had acted. The King's Courts should, he thought, be treated with at least a little more courtesy. The petitioners in this case denied that they had abused any charitable funds; they denied their having used them for any private purposes; and they denied having put them in their own pockets. They asserted that their conduct was unimpeachable, and they were prepared to prove it. It was said by the hon. Member, that nearly 700*l.* a-year had been divested from the purposes of charity, to which it should have been applied. But how stood the fact? About the year 1488 a will was made by a member of the

Company, bequeathing some land and houses to the Company, in order to pay 5*l.* a-year in charity; and, that being done, he considered any surplus that might arise as unquestionably the property of the Company, as if a man had left a house by will to pay 10*l.* and that its value should ultimately amount to 1,000*l.* Well, to proceed. Some old alms-houses stood on part of the ground, and other parts of it were let upon long leases. Those leases dropped in a few years ago, and what was done? The old alms-houses were taken down, new and more extensive alms-houses were erected, and the Company, in their erection, expended no less a sum than 12,000*l.* of their own money. He would tell the House again that the officers of the Company courted inquiry before any Select Committee which the House might think proper to appoint—and that no more gratifying circumstances could occur to the Merchant Tailors' Corporation than to render the fullest account of the distribution of the funds intrusted to their management. He regretted that the House should be so long detained by the refutation of libels, but he regretted still more that growing disposition on the part of the public to hear with pleasure of the destruction of the ancient institutions of the country. He was sorry to find that the public listened with eagerness to the calumnies which were circulated against respectable individuals—and he regretted again, that the House should be made the arena for discussing calumnies. He would again contend that the Merchant Tailors' Company was not a municipal corporation, for it conferred no right, no franchise, and exercised none of the powers of such a corporation. In conclusion, he would take upon himself to say, that nothing could be more satisfactory to himself and the Corporation of which he was a member, than to give the fullest information relative to the management of the trust which was reposed in them.

Sir *Edward Knatchbull* observed that the matter was of the first importance and deepest moment to the parties against whom such heavy charges had been brought, not only by an hon. and learned Member, but also by the petition. The parties were, however, fully prepared to meet those charges; and if that had not been the case he should not have risen to address the House upon the present occasion. His hon. friend had said that if accusations

were to be made they ought to be brought forward openly, in order that the parties should have an opportunity of making their defence. This was as fair a proposal as could be made, and he thought that after such a declaration, it was plain that the object of the petitioners was not to shun inquiry or shelter themselves from any investigation. He wished to put a question to his Majesty's Ministers on one point, and that was with respect to the powers confided to the Select Committee appointed the other night, on the Motion of the noble Lord, to inquire into the state of all municipal corporations in the United Kingdom. He was willing to admit, that for many years past no Committee of greater importance had been appointed than that to which he alluded, for it embraced subjects of the deepest interest and very first moment. It was not his intention to cast reflections on any individual member of that Committee, but he still could not help expressing it as his opinion that the selection of the noble Lord was very far from being judicious. To his (Sir *Edward Knatchbull's*) thinking a very different choice ought to have been made if the object was unbiassed and impartial investigation. He was not aware of the powers which were intended to be confided to the Committee, or whether it would devolve upon them to inquire into the circumstances of all corporations without distinction; but one thing he did hope, and that was, that they would go fairly and dispassionately into the subject, and not deal with it rashly or hastily. The question which he wished to have answered particularly was, whether the noble Lord, in appointing this Committee, had intended to invest them with power to entertain questions relative to the affairs of trading companies, as well as to inquire into the state of municipal corporations; and whether he had contemplated that they should take cognizance of petitions like that which had so improperly been submitted to them?

Lord *Althorp* said, that before he proceeded to answer the question put to him by the hon. Baronet who had just sat down, he wished to make a single observation upon what had fallen from him relative to the manner and spirit in which the Committee was chosen. He (the Chancellor of the Exchequer) begged to assure the hon. Baronet and the House, that he had taken the utmost pains in



choosing this Committee, to select only such persons as he was convinced would deal with the important subjects before them, not only impartially, but with the fullest consideration. He repeated, that he had, as far as in him lay, endeavoured to form the Committee of such individuals as he felt persuaded might safely be intrusted with the investigation of a subject so momentous, and the strongest conviction was impressed upon his mind that he should not be disappointed in the conclusion to which he had come respecting them. In appointing the Committee, he had deemed it necessary to include persons of every party, and the mixture of Gentlemen who had been nominated was such as to render it impossible that anything rash or precipitate could be effected, even should anything so unwise be essayed—a circumstance which appeared to him anything but likely. With respect to the question put to him by the hon. Baronet, he had only to say, that it never was his intention that trading companies should be introduced to the notice of the Committee. The object for which the Committee was appointed had no reference to trading companies, and this he conceived would appear from the order to which allusion had been made. The functions of the Committee related only to municipal corporations, and the scope of its inquiry went no further. It was empowered to inquire into the constitutional rights and privileges, and other circumstances connected with all chartered corporations in boroughs and towns, but then that power never was intended to be applied to mere trading companies. He did not pretend to be acquainted with the exact character of the Merchant Tailors' Company, but even though it should prove to be only a trading company, he did not see the necessity of the House making an order to rescind the order of reference adverted to in the petition. It was clear that the Committee had no power to go into any inquiry that did not relate to a municipal corporation, and hence it followed that an order referring a petition concerning a trading company to it must be considered merely as a dead letter. Such an order could have no effect, and for the best reason in the world, namely, that the subject was one that the Committee had no power to interfere with.

Mr. *Harvey* agreed that the Committee could have nothing to do with a subject like

that mentioned in the petition referred to. Indeed the Committee would have abundance of other and more important occupation for their time. There was, however, a tribunal in existence that was competent to deal with the matter, and that was the charity Commissioners, who were appointed in the year 1818, and had cost the country 250,000*l.*, without any benefit having been derived to the public from their labours. The gentlemen composing this commission were Reformers before their nomination, but he was sorry to say that since then they had evinced very little of a reforming spirit. The petition adverted to might, with advantage, be referred to them, as he fully concurred in thinking that nothing was less desirable than to try questions in that House which had already been decided by the Courts of Law. It might, perhaps, be right of the legislature to alter irrational decisions of Judges, or repeal laws that were vicious in principle, or inapplicable to existing circumstances; but he still thought that the House ought not to interfere in cases where a remedy might otherwise be obtained. He was willing to admit, that the petitioner in question would find great difficulty in getting redress by any of the ordinary means; for would it not be worse than hopeless to enter into an unequal contest with one of the most opulent companies in all London? The very attempt would ruin any man, however great his fortune might be; and, therefore, the petitioner did right in seeking redress from Parliament. But the matter might very properly be submitted to the Charity Commissioners, who though they had furnished twenty-six volumes of reports, had rendered no service to the public that was not almost worthless. It was most important that the funds of these public companies should be properly applied, and, for that purpose, inquiry was desirable. The Merchant Tailors' Company had, it was true, recently expended 12,000*l.* in endowing alms-houses, but, perhaps, if the truth were known that was no more than an act of justice. About four centuries ago three houses on London-bridge were left to the company to which he belonged, for the purpose of furnishing a certain number of poor persons with charcoal. At that period the rent was 6*l.*, but the property had of late years greatly increased in value, and the premises were ultimately sold to the London-bridge Company, to

make way for the improvement in that part of the town, for 17,000*l*. This sum the Company would in all probability, have appropriated to their own use, but that an information on the subject was filed, in which it was contended that not only the annual sum of 6*l*., but the whole amount, was applicable to the original designs of the donors. Being unwilling to incur the heavy expense of a Chancery suit, a compromise took place, and the Company were let off by expending 10,000*l*. in the erection and endowment of alms-houses. Had the hon. Member who had complained on this occasion been a master girdler instead of the Master of the Tailors, he had no doubt he would have come forward on that occasion also to complain of being exposed to the inconvenience and injustice of doing justice to the poor. But it had been said by the hon. Member that any inquiry into the circumstances of public companies would only be an additional attack upon the ancient institutions of the country; but would an act of justice towards the poor have any such effect? It was his belief, that if the Charity Commissioners had prosecuted their inquiries as they ought to have done, there would now be more than 100,000*l*. at their disposal, in aid of the education of the poor and the support of the aged and infirm. He was satisfied that the Charity Commissioners might take the complaints of the petitioner up, and, believing that they were invested with full authority to investigate the abuses of public companies, he should recommend the petition to be referred to them.

Mr. *Attwood* expressed his readiness to submit the affairs of the Company to any investigation that might be deemed necessary. The Company had nothing to conceal, and they were perfectly ready to meet any charge that might be brought against them.

Sir *Robert Peel* said, that even according to the noble Lord's own showing, the clear and regular course to be pursued would be for the House to rescind the order of reference which had been made. By the noble Lord's own admission, it was manifest that the petition had been referred to an improper tribunal, and placed beyond the control of that House. But would it be more than an act of justice to all parties to have it brought back and placed on their Table, so that they might dispose of it as they should think fit?

Many motions for rescinding similar orders had been made. Those who thought that the Committee had not power to deal with the subject, that it would be inexpedient to give the Committee such a power, or that even if the Committee possessed it, that it could not be beneficially exercised, ought surely to agree on the propriety of rescinding the order. It was not enough to say, that the Committee could not take cognizance of the matter; but the regular and proper course to be pursued would be, he submitted, for the House to retrace the course they had taken. He could appeal to the Speaker whether this had not been done in the case of a petition on the subject of scot-and-lot voters, which had been referred to a wrong Committee during the last Session, but which, on the suggestion of the Speaker, had subsequently been withdrawn. Notwithstanding the willingness of his hon. friend to submit the private affairs of the Company to scrutiny, he hoped that the House would not sanction any such course; for they must all feel that the House had no more power to open such transactions than they would have to enter upon the investigation of the circumstances of any other trading establishment in the kingdom. It was true that an appeal might be made to the Court of King's Bench for the correction of any abuse that might exist in the Administration of the funds of public companies of this description. That tribunal was armed with ample authority to enter upon the examination of such questions, and, if any improper or illegal perversion of the funds of the Merchant Tailors' Company had taken place, the remedy was in the hands of the Judges of that Court, and did not rest with that House. He was not prepared to say whether or not the Charity Commissioners had the power to entertain such matters, but, if they had not, he for one would have no objection to such a power being extended to them, and that the petition alluded to should be referred to them; wherefore he hoped the House would see the propriety of rescinding the order in question.

The *Speaker* said, that having been personally alluded to by the right hon. Baronet who had just sat down, he deemed it necessary to make a few observations on the subject now before the House. The petition presented by the hon. member for Whitehaven (Mr. *Attwood*) prayed that the order made for referring another peti-



tion to the Select Committee on Municipal Corporations might be rescinded, and he (the Speaker) had been appealed to, as to whether that Committee, not having power to take cognizance of the petition, it should be allowed to remain in the Committee's hands. He took it to be clear that if the Committee had not power to entertain the petition, the order of reference ought not to have been made. But what was the position in which the House was placed by that order? They had done two things; first, they had referred a petition to a Committee that was incompetent to deal with it, and next they had sent the same petition beyond their own control; and the question they had now to decide was, whether, in order to recover back this petition, they ought not to rescind the order of reference. His opinion certainly was in favour of that course, and if the House agreed with him they would at once concur in rescinding the order.

Mr. *Hume* agreed in the distinction which the noble Lord had drawn between Municipal Corporations and Trading Companies, and he was also willing to admit that the Committee could have no right to interfere in the affairs of the latter. But before he could acknowledge that the Merchant Tailors' Company was not a Municipal Corporation, and as such within the scope of the powers wielded by the Committee, it must be shown that it was a trading company, and of what its trade consisted. It seemed to him to have two duties to perform, and one of them was clearly of a political character. He alluded to the creation of liverymen. At present there were 6,000 and upwards liverymen in London, and was it not in the power of these guilds to increase that number to as many more thousands if they pleased? This circumstance, he contended, brought such companies within the description of Municipal Corporations, and he therefore entertained the opinion that the Committee had full power to examine their affairs. The whole question, in his opinion, turned upon the point of whether or not such bodies were or were not trading companies.

Lord *Althorp*, in explanation, said that, in stating that the powers of the Committee were confined to the investigation of Municipal Corporations only, he did not mean to determine whether the Merchant Tailors' Company was or was not a Municipal Corporation. He had purposely abstained from expressing any opinion on

that question; and his reason for doing so was because an hon. and learned Gentleman, whose knowledge of these matters was greater than his could possibly be, had declared that it was. As he was in doubt on the point he certainly would not undertake to say whether or not the petition had or had not been improperly referred to the Committee.

Mr. *O'Connell* said, it appeared to him that it ought to be referred to the law officers of the Crown to decide whether the company in question came under the description of a Municipal Corporation. If it were a trading company, it was quite clear that the Committee could have nothing to do with it; but if, as was suggested, the company could, by creating Liverymen, influence the election of Mayor, Aldermen, and Sheriffs, it would acquire the character of a Municipal Corporation, and therefore be properly a subject for the consideration of the Committee.

Mr. *Baring* observed, that if the Corporations' Committee was to be allowed to inquire into the affairs of private companies a monstrous tribunal would be established, which it was most important for the people of this country to resist at the commencement. If he were connected with a public company he would refuse to answer the first question which might be asked relative to the disposal of the property of the Corporation. It was necessary to make a distinction between public and private corporations at the present moment when there were some grounds for apprehending that the inquisitorial powers exercised by Committees of that House might become a cause of grievance. He therefore approved of the distinction which had been drawn by the noble Chancellor of the Exchequer. The petition in the present case did not complain of the abuse of any Municipal powers on the part of the company, if they possessed any, but only of the misapplication of funds. That was the *gravamen* of the charge contained in the petition. That was a question with which, by the noble Lord's own admission, the Committee had nothing to do, and therefore he hoped that the order for referring the petition to the Committee would be rescinded. It was well known that all these companies were originally trading corporations, and although many of them had ceased to trade, and amongst them the Merchant Tailors' Company, yet the Company of Goldsmiths continued, he

believed, the old practice. Be that as it might, however, he must deny the right of any Committee to trifle with these properties. He did not wish to detain the House, but he could not dismiss the subject without saying a word or two with respect to this Committee. He was ready to acknowledge that it was as important a Committee as had ever been appointed, and he was sanguine in hoping that the result of its labours would be attended with advantage to the country. The Committee which had been appointed might, if they performed their duty with discretion and firmness, be productive of the greatest benefit. He had not seen the names of the Members, but he had sufficient confidence in the noble Lord to believe, that he would appoint none but an impartial one. What he apprehended most was, that the Committee would have more labour to perform than they could possibly accomplish, unless they subdivided themselves into smaller Committees, the attention of each of which would be directed to a particular object. That was the course which he had recommended when the India Company's Committee was appointed, but it was not followed, and for two years the Committee made little or no progress. In the third year his suggestion was adopted, and then, for the first time, the Committee arrived at anything like a practical result. It would require a good many weeks to investigate properly the abuses which prevailed in the Corporation of London alone. That Corporation imposed dues of a very onerous nature, which ought to be strictly scrutinized. Then, again, there was the Mayor's Court, exercising a jurisdiction which interfered with the common jurisdiction of the country, and was felt to be most oppressive by merchants. When he was in business he felt this Court to be a great nuisance. He concluded by expressing a hope that the order for referring the Petition to the Committee would be rescinded.

Mr. Warburton hoped that the Order would not be rescinded without notice previously given. One great point to be decided was, whether the Merchant Tailors' was or was not a trading Company. In other places freemen were admitted to the privileges of the Corporation through the means of the Corporations themselves, but in the City of London they could only be admitted through these Guilds. There was another point on which he wanted in-

formation, and that was as to the power of the Committee. He wanted to know whether they had power to institute an examination into the rights of these Companies? He thought that the particular grievance now complained of ought to be referred to the Charitable Funds Commissioners, and not to the Committee.

Mr. Attwood denied that because a man was a liveryman he had the right of voting. The truth was, that being a liveryman conferred no such right.

Mr. Shaw took that opportunity of protesting against the composition of the Committee, which he thought had not been formed with that fairness that usually distinguished the noble Lord. He had no complaint to make against any Member individually, but he could not but observe that of the Irish Members of that Committee, six out of seven had made up their minds against what had usually been considered as Corporation rights. There were seven Irish Members of the Committee, and six of them, it was well known, had openly professed strong opinions against all privileged bodies, and all corporate rights. There was only one of the seven, and that was himself, who, though not a supporter of corporate abuses, had a regard for corporate and vested rights, and for himself he should only say that he hoped he should find it consistent with his duty to absent himself altogether.

An Hon. Member expressed his surprise at the observations which had just fallen from the hon. and learned Member. If that hon. and learned Member thought that the Members of that Committee would enter upon their duties after having made up their minds on the subject they were appointed to investigate, and would not allow their opinions to be changed by the evidence that would be laid before them, he was mistaken in his supposition. They would not discharge their duty if they were to allow their previous opinions to bind them. He, as a Member of that Committee, certainly should not do so, and he did not know what right the hon. and learned Gentleman had to entertain such a supposition. As for himself, he declared that his sole object in sitting upon that Committee, would be to examine the system of Corporations, and see how it worked; and to agree to a Report only upon the evidence that might be laid before him.

Sir Richard Vyvyan said, that the Com-



mittee was composed for the greater part of Gentlemen who were known to have made up their minds as to the necessity of doing away with Corporations. The House had received no intimation as to what point the Committee were to report upon. He wished to know whether the Committee were to confine themselves to investigating the abuses which existed in corporations, and to ascertaining in what respect they had deviated from their charters, or whether they were to suggest a plan for altering the Constitution of those bodies? He could not help thinking that a Committee of that House was not a fair tribunal for conducting such an inquiry. The King was, by law, the visitor of Corporations, and a Committee of the House of Commons could not compel the production of their muniments and charters. He could not help thinking with the hon. member for Kent that the appointment of the Committee, which was one of the first measures of a Reformed Parliament, afforded a strong indication of what might be hereafter expected. It would not surprise him to find the patents of the nobility treated with no greater respect than the charters of Corporations.

Mr. *Abercromby*, as one of the Members of the Committee, could not help saying that they had been unjustly dealt with by some honourable Members. The majority Members of that Committee were as unknown to him as he was to them, but he thought it exceedingly strange that so much pains were taken to throw discredit upon the Committee. He should act unjustly towards the Committee, who had done him the honour to elect him their Chairman, if he did not say, that in the single meeting which had taken place, which, however, afforded a fair opportunity of eliciting the general scope and tendency of the opinions of the Members, he had the satisfaction of finding their views such as inspired him with a strong hope that the inquiry with which they were intrusted would be conducted in a spirit of fairness and justice. If there were individuals in the Committee who looked forward with confidence to the destruction of all Corporations, he could only say, that he was not one of them. He professed to act upon the opinion that Municipal Corporations were intended to promote peace, order and good government in the country, and if it appeared to him that those objects would be better secured by a reasonable

change in their constitution, he should be only performing his duty in endeavouring to effect that change. He entered the Committee with no other disposition, and he had heard nothing which should induce him to suppose that any other Member of it entertained views different from his own. With respect to the Petition which had given rise to the present discussion, he certainly thought it was one which could not properly come under the notice of the Committee. It was quite impracticable for them to enter into an investigation of the accounts of all the Corporations in England, Wales, and Ireland. There was, however, some doubt as to the fact whether the Merchant Tailors' Company was a Municipal Corporation. It was possible that such companies might exercise powers connected with Municipal regulations which would render it necessary to have them brought under the consideration of the Committee. He knew not how the fact really was, but he could not help observing that it was possible the inquiry which the Committee had undertaken would be impeded if they were not allowed to ask questions respecting the City Companies.

Colonel *Perceval* said, that being attached to the ancient institutions of his country he could not help declaring that there was a most unjust proportion of Irish Members (who were devoted to innovation, which they called improvement, but which he termed destruction) on the Committee. It was not originally intended, as he had been informed, to include the Irish Corporations; but it was, at all events, not quite in character with the noble Lord's known fairness to name seven of one party and only one on the other. He felt, however, that he stood on delicate ground. That was the second Parliament of which he had been a Member, and without wishing to convey personal offence to any hon. Member, he must say that he feared the present Committee would be conducted in the same manner as the Committee of the last Parliament on the state of Ireland. He had been a Member of that Committee, and, therefore could testify the unfair spirit in which the business was carried on. While the rev. Mr. Bourke, from Castle Pollard, and other Roman Catholic priests, were brought forward as witnesses, a single Protestant clergyman was not examined.

Mr. *Portman* rose to order. The question before the House had nothing whatever to do with the Committee of last year.

The *Speaker* admitted, that the hon. and gallant Member had travelled out of the question.

Colonel *Perceval* would bow to the decision of the Chair, but he thought the interruption of the hon. member for Marylebone would have applied to others with as much justice as it did to him.

Petition to lie on the Table.

PUBLIC HEALTH.] Mr. *Slaney* rose for the purpose of moving that a Select Committee be appointed to consider the best means of securing open places in the neighbourhood of great towns, for the healthful exercise of the population. He had attempted some time since to bring forward this question, but from the state of public business he had been unable to do so. He now rejoiced at the delay which had thus taken place; for, in the mean time, a Reformed Parliament had been summoned, and there now sat as Members of it, several persons, Representatives of those large towns that were most interested in the present question. To show the condition of the population of the country at former periods, and at the present time he would refer to some abstracts of the population returns. These would prove that during the first ten years of the present century, the increase of the population had been fifteen and a half per cent; during the second ten years, seventeen and a half per cent; and during the last ten years—namely, from 1821 to 1831—it had been again fifteen and a half per cent. The increase in the metropolis alone during the same three periods, had been seventeen per cent for the first ten years, twenty-one per cent. for the second ten years, and twenty per cent for the last ten years. In Manchester during the same three periods, the increase had been in the proportion of twenty-two per cent for the first ten years, forty per cent for the second ten years, and forty-seven per cent for the last ten years. An increase had taken place in nearly the same proportion in all the populous communities in the kingdom, so that taking the last thirty years from 1800 to 1831, there was an increase in four counties of thirty per cent, in the metropolis of fifty-eight per cent, in ten of

the largest manufacturing towns of eighty per cent, and in three of the largest manufacturing towns, of 100 per cent; or the population had doubled itself in thirty years. At the same time it was gratifying to know that the chances of life were better now than they had been formerly. From 1700 to 1780, the average of deaths was one in thirty-seven; from 1780 to 1790, it was one in forty-five; from 1790 to 1810, it was one in fifty-four; and from 1810 to 1820, it was one in sixty. All this had been the result of improved habits of living, and improvements in medical skill and science. From these facts the most important inferences might be drawn. Allowing for the unfortunate situation of several large classes of the community—the peasantry of the south of England, for instance, and the hand-loom weavers—the chances of life were better now than formerly. Then we came to this point, that, within the fifteen years that had elapsed since the peace, there had been an increase of twenty-five per cent in the population of the country: and, at the same time, there had been a great improvement in their health. It had always been held, that the increase of the population, and the increase of health at the same time, gave a proof of the increase, in a corresponding degree, of the capital of the country. He, therefore, had no hesitation in saying, that the capital of the country must have increased. Without saying one word of the decrease of taxation, relief would be afforded by the mere increase of population as the amount collected would be spread over a larger number of people. He should now state the alteration which had taken place in the relative situation of the different classes of this country. One third of the working population of the country had been employed at the beginning of the present century in manufactures; and two thirds in agricultural labour. At the present moment those proportions were exactly reversed; and yet, at the same time, on the whole, the health of the population had been improved. Having shown the increase in these manufacturing districts generally, he should now say one word as to the increase of numbers in the towns themselves. At a former period the working people had more exercise in the open air than at present. Many of them, such as hand-loom weavers, formerly lived at a distance from their place of work, but now



their labours had been changed for those of the power-loom; so that 100 or 200 of them were now congregated together. Not only had that change taken place, but persons were taken at an earlier age than formerly; and without advertising at large to the Report on the factory employment, he might mention that these persons, some of them under ten years of age, were employed fifteen hours a-day. To such persons he thought the House ought to afford the means of healthful exercise, when the day of rest arrived. At present they had no such means. He should proceed to refer now, in the first instance, to the state of the metropolis. At this time it contained a greater number of inhabitants than any city in the world had ever possessed. Within a circle of eight miles from St. Paul's, there were no less than 1,750,000 persons, and the population of the town itself amounted to one million and a half. In that population were mixed the richest and the poorest men—men whose wealth had never been surpassed by that of any other men, in any times whatever, and the most wretched outcasts, whose miserable condition was not equalled by that of the poor of any other city in Europe. The poet Cowper forty years ago, had compared this town, surrounded with its villas, to “a swart Indian with his belt of beads.” It no longer deserved the comparison. It was begirt with other towns instead of villas. It had, it was true, three large parks, one of which only was open, while the other two were partially closed to the public. These did not afford sufficient space for the healthful exercise of the population. A vast number of this population was composed of the working classes, who had not, on Sundays or holidays, any open place of recreation but the three parks, two of which were partially closed against them. He could never observe, without pleasure, thousands with their wives and families, flocking on Sundays to these places of enjoyment; and his great regret was, that they had not far more extensive means for such indulgences. This was a subject upon which imagination and genius might be happily indulged; but he had no further pretensions than to bring before the House a statement of facts; and it was much to be regretted, that, in past legislation, the interests and comforts of the working classes had been too much for-

gotten. This metropolis had one of the finest rivers flowing through it, and yet there was scarcely one open space left on its banks. So cooped was it with buildings, that a foreigner might be residing in the city for years without knowing that there was such a river. He mentioned this, to show how little advantage had been taken of the situation of the river for the purpose of adding to the salubrity of the metropolis. It was said by Mr. Wyndham, that the parks were the lungs of London; and if they were then so necessary to the ventilation of the city, how requisite was it now, that its present vast population should have increased means of recreation. The great manufacturing towns in the north, which were principally built on coalbeds, had doubled their population in thirty years; and yet there was not one of these great communities which had a sufficient open space for artizans to take exercise or recreations upon Sundays or holidays. He did not appeal to the passions of the House, nor deal in declamation. But he put it to them, to say, whether it was not the duty of the Legislature, to afford every accommodation and the means of rational enjoyment to the working classes, upon whom, in so great a degree, the prosperity of the country depended. The rich, who had their own enjoyments, and who had so many means of recreation, ought to consider the situation of working men, and, in speaking of the humbler classes in the manufacturing towns, it was but justice to them to state, that they were less a burthen upon the Poor-rates than the inhabitants of the southern agricultural districts. For this they deserved great praise. One single manufacture of this country afforded greater means of wealth and employment than any other in the world; he meant the cotton trade, of which Manchester might be said to be the centre; and it was the duty and policy of Parliament, to afford every means of necessary recreation to those who were engaged in it. The increase of that trade was so great, that he could not help adverting to it. The importations of cotton, in 1781, were about 5,000,000lbs.; in 1800, they increased to 56,000,000lbs.; in 1820, to 147,000,000lbs.; and in the year 1830, to 250,000,000lbs. The annual value was 36,000,000*l.*; the wages paid annually were 22,000,000*l.*; and the trade employed 1,250,000 persons. In 1780, the number

of persons employed in that trade was not more than 50,000; and it would now appear, from what he had said, that the present number employed was twenty-five times that amount. The population of Manchester was 187,000, and yet there was not for that immense population an open suitable place for exercise or recreation. The artisans there had no place to walk on Sundays, and near that town and other such places, the working man and his family were met on the road with notices against trespass, and the inhospitable intimation of spring-guns, and steel-traps. It happened, that there was a Benevolent Society formed at Manchester, to protect the working classes in the enjoyment of footpaths, which were too often attempted to be closed up against them, and from the exertions of that society, which were necessarily limited, the greatest advantages had followed; for they had preserved for the working man many of his limited comforts, of which he would otherwise have been deprived. He did not mean to dwell on the probable increase of population, with the view of advancing arguments in favour of his proposition, but it was a matter well worthy of consideration, and had been ably discussed in a work lately published by Mr. Babbage on the "Economy of Manufactures." Other considerations besides the public health ought to induce Members to consider this subject very seriously; but a comparison of the number of deaths in 10,000 persons, before they reached twenty years old, in various situations, would show how material such outlets were to health. He would call the attention of the House to a subsequent statement upon this point. The number of deaths were—in a healthy county, 3,700 out of 10,000; in a marshy county, 4,200 out of 10,000; in London, 4,500 out of 10,000; in Carlisle, 5,600 out of 10,000; in Preston, Stockport, Wigan, and Bury, 6,000 out of 10,000. In Leeds the loss of life was still greater in proportion, being more than 6,000 out of every 10,000 persons, before they reached the age of twenty-one. This evidence showed how absolutely necessary it was, that everything possible should be done to promote longevity. In London, it was notorious, that there were many hundreds who knew what the country was only by description of the pastoral ruralities of Hampstead and Highgate. He did not put it, however, merely on the ground of

health. Of late years, there had been a growing disposition to decry the amusements of the poor, and wakes and fairs had been abolished for their immorality; but those who abolished them were bound to find a substitute, or to incur the suspicion of canting hypocrisy. He was persuaded that if due outlets were provided, the consumption of spirits would decrease, and mechanics, instead of sitting in ale-houses, would rejoice in the opportunity of enjoying the open air. At present, the poor workman in the large manufacturing towns, was actually forced into the public house, there being no other place for him to amuse himself in. Independently of this, it was well known that healthy happy men were not disposed to enter into conspiracies. Want of recreation generated incipient disease, and disease, discontent; which, in its turn, led to attacks upon the Government. Another argument he begged to address to the Vice President of the Board of Trade, and it was this—that the consumption of manufactured goods would be increased by enabling the lower orders of both sexes to display their neatness or their finery. Plain men, like himself, and like the noble Lord, the Chancellor of the Exchequer, were content, perhaps, to wear coats only because they kept them warm; but the greater part of mankind sported dress, because they thought they appeared in it to advantage. The maid-servant and the mechanic's daughter took as much pride in displaying her rich ribbons, as a lady her fine equipage, or a duchess her diamonds. In his mind, this feeling ought to be encouraged, as it promoted cleanliness, decency, and self-respect. If such persons had no opportunity of appearing in public walks, they lost a great stimulus to industry, and that industry would always increase in proportion as it afforded the means of indulging in such becoming luxuries. Fathers and mothers, also, were naturally happy in seeing their children well dressed, and in showing them to other people. When the late Sir James Mackintosh was exemplifying the progress of society, he showed the different stages by which men advanced in civilization, and in tracing that progress from the actual wants of nature to the enjoyments of luxuries, he proved how necessary it was to attend to the principle which he had just laid down. If the working classes were not allowed to indulge in such pardonable vanity they



would have recourse to pernicious practices. He conceived therefore that public walks would not only promote the health and morality of the people, but be beneficial to the mere wealth of the country. It would, of course, be expected from him to state, how he intended to remedy the evils of which he complained. He should first propose that a Select Committee be appointed to consider what was the best plan that could be devised, and to that Committee he should entirely commit the subject, inviting also the attention of any hon. Member who might take an interest in the matter. At first the House might perhaps be deterred from its consideration by an apprehension that public walks could not be erected but at too great an expense. In his opinion the expense would not be so considerable as was supposed. To provide such walks as he wished for, there would be no necessity for carriage-ways, and there were in the neighbourhood of some large towns commons which might be advantageously used for the objects which he had in view. The interior of such open spaces might be beneficially used for grazing and other purposes, whilst they were surrounded by such walks as would afford exercise and recreation to the people. It would cost little, for example, to have a space like that beautiful walk Christchurch Meadows. Several of the Corporations were also possessed of lands and open spaces which might be profitably applied for similar purposes. They were, besides, several of the public roads on the sides of which there might be erected public walks upon the plan of the Boulevards in Paris. These might be ornamented with trees and other decorations affording all the means of recreation which he desired. The extensive commons which joined extensive towns, such as those at Coventry, might be well laid out in public walks. There were several such commons and fields which, by draining, would become valuable property, besides affording the means of exercise which the people so much required. What he meant to suggest in the Committee was, that any town raising a sum by subscription or otherwise for the purpose of building public walks should receive a certain proportion of money from the public Treasury, upon the same principle as money had been advanced for the building of new Churches; and that Commissioners should be appointed to

prevent any waste of this money. If in those Churches a provision was made of free seats for the poor, he saw no reason why free walks should not be also secured to them. He was quite sure the public, when they knew the purpose for which this money was granted, would not grumble at the expenditure. He also felt confident that the humbler classes, when they knew that it was expended for the improvement of their own condition, would accept it gratefully, and take it as an earnest of the kind intentions of the Legislature towards them. By attention to these and other apparently unimportant matters, he was sure the wealthy would reap a rich harvest of reward in the happiness and contentment of the humbler classes of the community. The hon. Member then moved, "That a Select Committee be appointed to consider the best means of securing open spaces in the immediate vicinity of populous towns, as public walks calculated to promote the health and comfort of the inhabitants."

Mr. *Baldwin* seconded the Motion, and acquiesced in most of the doctrines laid down by the hon. Member. He thought, however, that the health of the working people would be more effectually preserved by attention to the cleanliness and ventilation of their houses, and by the widening of the narrow lanes and the lighting of the passages in large towns. In his progress through England, Scotland, and Ireland, he had observed a great want of attention to these particular points, which, from experience, he could say were most essential, not only to the comfort but to the health and existence of the poor. He did not undervalue the advantages of public walks, or other means of necessary recreation; but cleanliness and the ventilation of houses, which were too much neglected in large towns, were more essential than public walks.

Mr. *Lamb* agreed with the hon. Member, that the subject of the health of the lower orders was of much importance to the Legislature, but he doubted whether much more might not be done to promote the object of the hon. Member by Magistrates of towns than by Parliament. He did not see how the Legislature could effect the object which the hon. Member had in view; at the same time he regretted to say that too little attention had been paid to this subject at the passing of several of the Enclosure Bills. The erec-

tion of public walks could best be effected by local legislation. At the same time, he had no objection to the trial of the experiment proposed; for it always gave him great pleasure to see people who worked hard all the week innocently enjoying themselves on Sunday. He hoped that nothing would, at any time, be attempted to cloud the general sunshine of the cheerful Sabbath in this country.

Mr. *Faithful* cordially approved of the Committee. In general the small and old towns enjoyed walks of this description, and he hoped that all the large and modern would not be left without these conveniences.

Mr. *Lennard* also approved of the principle of the Motion. He begged to take advantage of that occasion to suggest to the noble Lord at the head of the Woods and Forests the expediency of throwing open the grounds of the Regent's Park, which had been so long closed, to the public. Contrary to the explicit understanding of the Government and the public on their being first laid out they had been kept closed under various pretences, of which the most feasible—the necessity of protecting the young trees—was no longer valid. He hoped the public would be no longer deprived of their right out of a mere consideration for the whims of the occupants of villas in the neighbourhood.

Mr. *Potter* said, he felt greatly obliged to the hon. member for Shrewsbury for his repeated exertions upon this subject, and was sure, if the plan of having open spaces near large towns was adopted, the best results would follow. As the hon. Gentleman had alluded to Manchester, where he (Mr. Potter) had so long resided, he wished to confirm his statement as to the great want of open spaces for the recreation and health of the inhabitants. The county of Lancaster, it was well known, contained several large towns, but they were nearly all deficient in suitable places where the people could walk out. The hon. member for Shrewsbury had also alluded to the Manchester Association for the Preservation of Footpaths. He had been connected with the Society from its commencement, and could bear testimony to the great good it had done. Such was the constant desire to stop up footpaths, that had it not been for the exertions of the Manchester Society, he believed there would at this time have been very few

foot-paths left within ten miles of Manchester. The hon. Secretary had also spoken of the rights of the poor, and the preservation of public roads being provided for in Enclosure Bills. With the permission of the House he would mention a circumstance which occurred only yesterday, relative to enclosures. He was on a Committee on an Enclosure Bill in Wilts; on referring to that clause relative to the Commissioners having the power to divert, turn, and stop up foot-paths, he proposed a clause to the effect, that no road should be diverted or stopped up until the authority of the inhabitants in Vestry assembled was first obtained; but he was told by the Chairman of the Committee (the hon. member for Wiltshire) that such a clause could not be introduced in a private Bill, but that the General Enclosure Act might be altered. He entirely concurred in the Motion before the House, and hoped the Committee would be granted.

Mr. *Fergus O'Connor* feared, that no Legislative enactment could be made to apply to any such evil, or produce any such remedy as that in the contemplation of the hon. Gentleman. The hon. Member who had brought forward the measure had spoken of the beauty of the capital and its magnificent river; he could also speak of the beauties of Dublin and its river. There was this sad difference, however, between them. In the environs of the one were seen boards with the words, "Beware of spring guns and steel traps;" in the other, were muskets and bayonets without any caution to beware.

Mr. *Portman* said, that, in his opinion, the stopping up of foot-paths was one of the greatest causes of the want of sufficient opportunities of air and exercise for the humbler classes, and he hoped the House would not allow any opportunity to pass of doing all that legislation could do to prevent any further extension of that evil. He intended very soon to bring in a Bill, to which a clause might, with perfect propriety, be added, which would render the stopping up of foot-paths extremely difficult. Directing his observations more particularly to the noble Lord at the head of the Woods and Forests Department, he expressed a hope that the time was not distant when the whole of the Regent's Park would be open to the public. As to the project which had that evening been brought before them by his hon.



friend behind him, he confessed it did strike his mind that there were considerable difficulties in the way of carrying any such plan into effect—there was obviously a want of funds—whence then were the means to come? He deprecated anything in the nature of additional taxation, either general or local.

Mr. *Harvey* said, that the arbitrary power lately assumed by Magistrates in closing foot-paths had engendered much discontent among the poorer classes, who were thereby shut out from all means of wholesome recreation. It should be a Standing Order of the House, that no Enclosure Act should receive its sanction till such rights of the poor as might be involved should be minutely inquired into. There were more notices of motions for Enclosure Bills since the commencement of the present Session, than had ever been given, he believed, in an equal length of time, but he had no reason to think, that any of them contained a specific provision to prevent the shutting up of foot-paths. Hitherto all laws had been made by the rich—in favour of the rich, and at the expense of the poor, and while that was the practice, or supposed to be the practice, the laws were not likely to be either loved or respected.

Mr. *Benett* observed, that most great towns had adjoining to them spaces of ground, such as the hon. Member proposed, to enclose, or rather open, for the purposes of recreation. For his part he thought it would be much better to introduce into private bills clauses for this purpose, than to make them the subject of a public measure.

Motion agreed to, and Committee appointed.

PUBLIC ACCOUNTS.] Mr. *Hume*, in rising to call the attention of the House to the state of the Public Accounts, said it was not his intention to institute any comparison between the mode of keeping the national accounts adopted in this kingdom and plans pursued in any other country, but to point out to the House the impropriety of the proceeding of voting money for each particular department separately, in total ignorance of the aggregate expense of the whole. Every statement of accounts, as yet presented to that House, had been defective, at least in one respect—none of them had ever stated what was the whole annual receipts and expendi-

ture of the kingdom. Several sums of money were paid away by the Government over which that House had no control; and he considered the existence of two funds, out of which the expenses of Government were defrayed (one, the consolidated fund, and the other that which was annually voted by Parliament), to be a cause of great inconvenience. It appeared, from a paper presented to the House, that the sum voted by Parliament for the expenses of last year, was 17,782,000*l.* On looking at this account, one would naturally suppose, that it was a statement of the whole expenditure of the country; it was, indeed, the whole of the money over which the House had any control; but the amount actually paid away was 51,000,000*l.* What, he asked, was the cause of this difference? In the first place, there were nearly 4,000,000*l.* paid for the collection of the revenue, which was never brought into the public accounts. The only statement of the total expenditure laid before the House, was the annual finance account, moved for last year, by an hon. Member, and the value of which he was ready to admit. That, however, had only reference to the past year, and, in his opinion, it was highly desirable that a similar account should be presented applicable to the coming year, and that a detailed statement of the expense and numbers of the different departments should be in one sheet, in order to enable the Members of that House to judge whether, by a consolidation of some of the boards, or by any other alteration which might be deemed advisable, the mode of conducting the business of the country could be simplified, and the expense reduced. He believed that if a detailed account of the various Boards of Excise, Customs, Stamps, &c., were put into Members' hands, they would be of opinion, that one-third of the present number of Commissioners would be sufficient to transact the business. By a return lying on the Table it appeared that, in some ports in England, Scotland, and Ireland, the expense of the establishment of custom-house officers amounted to twice as much as the whole of the Customs collected in them. The cause of this, he believed was to be discovered in the practice, formerly followed, of giving to such of the Representatives of those places as voted with the Administration of the day, the power of appointing to all

Government offices in them. He hoped that the time for such practices had now passed by. Since the year 1797 a considerable increase had taken place both in the expense of the public establishments and the number of officers employed. He was ready to admit that a great reduction had been of late years effected in several of these establishments; but he was of opinion that, with regard to the departments employed in the collection of the public revenue, a much greater approximation might be made than now existed to the scale of 1797, if a detailed account of their expenditure was annually laid before Parliament. It was his object to obtain, in one account, a statement of the gross revenue and expenditure of the country. The papers on the Table stated that expenditure to amount to 46,300,000*l.*, which sum was 3,000,000*l.* or 4,000,000*l.* less than the amount actually expended. 1,315,000*l.* were annually paid away to defray the expense of the Custom-house department and the preventive service, not one shilling of which was under the control of Parliament. In like manner, 1,140,000*l.* were paid to defray the expenses of the Excise department; 238,000*l.* for the expenses of both Houses of Parliament; and 212,000*l.* as allowances to the junior branches of the Royal Family, without the sanction of Parliament being annually obtained for such payments. When pensions were once granted, they were placed on the Consolidated Fund, over which that House had no control, nor any particular knowledge, unless when a detailed account was called for. He considered that an account of all pensions and all allowances made to the civil officers of the Government, as well as the salaries of the Judges, ought annually to appear in the Estimates, together with a reference to the several Acts of Parliament by which they were authorized to be paid; so that hon. Members might be able to know whether they were such as should be reduced in amount, or altogether discontinued. There was a gross sum of 412,000*l.* paid for judicial services, and, if Members had an opportunity of seeing how that large sum was appropriated, he was sure many of them would agree with him in thinking that some of the Judges were paid too much. Every item of the 51,000,000*l.* expended should be laid before the House, and an estimate might also be produced of the supposed

produce of every tax. Even when a tax was partially repealed, there could be no difficulty in estimating what it was supposed the part which remained might produce. When the expense of printing for that House amounted to 100,000*l.*, he could not understand the reason why these accounts were not given in detail; it surely could not be on account of the cost. It was true, that after these pensions and salaries were paid, some statement of them was laid on the Table, but what he wanted was, that a detailed account should be presented before a single shilling was voted; and that they should have the whole number of men in the service of the country, and the expense attending them, stated in one sheet. The House was to be called upon to vote 27,000 seamen and marines for the current year. Now, of that number, 9,000 were marines; and out of that 9,000, 5,000 were always on shore. That was a circumstance that was entirely overlooked when the House was called upon to vote the number of the army. He therefore contended that the amount of the expense and force of all these different establishments should be laid before the House in one sheet. Why, he should like to know, could not the Estimates, in all their details, be made out by the 15th of January? If they were prepared at that period, the Members of that House would have time to consider what reductions could be effected. He repeated that, until they had a statement of every shilling of the public expenditure and receipts before them, their accounts would never be in a satisfactory state. He did not think that to be an honest account which stated the whole expenditure of the nation to be 46,000,000*l.*, when, in fact, it amounted to 51,000,000*l.* His object was to obtain the means by which the people might be enabled to judge of the whole amount of taxation to be raised, and the whole amount of payments to be made in the course of the year; as well as the number of individuals employed in the naval, military, and civil establishments of the country. The hon. Member concluded by moving—"That there be laid before this House estimates of the gross receipts of the public income of the United Kingdom, under separate heads, for the year 1833, in order to show the total public income for that year: of all payments to be made for the public service, in every department, under separate



heads, under any Act or vote of Parliament, stating the several Acts authorizing the same, in order to show what will be the total public expenditure in 1833:—Estimates, in detail, stating the number of each class of persons employed, and the rate of pay and emoluments of each class, under separate heads; of the charges of management for the collection of the revenues of Customs, Excise, Post-Office, Stamps, Land and Assessed taxes, Crown lands, and other small branches of revenue, for the year 1833; stating by what authority those payments are made: Estimates, in detail, of all payments to be made out of the public income of the United Kingdom in its progress to the Exchequer, other than charges of collection, for the year 1833; distinguishing each kingdom, and the authority by which such payments are made.”

Colonel Davies seconded the Motion.

Lord *Althorp*, before he proceeded to reply to the hon. Member's observations, begged to remind him, that the terms of the Motion which he had just made were in direct contradiction to the arrangement which was made last year, with respect to the commencement and termination of the financial year, and which arrangement was also made with the hon. Member's approbation. By that arrangement the financial year extended from April to April in each year, and not as the hon. Member now apparently wished to fix it, from January to January; and with reference to what he himself had said on a former occasion relative to this matter, the hon. Member seemed to imply that he (the Chancellor of the Exchequer) did not understand the nature of the change which had been made in the financial terms. Now, what he had understood the alteration to amount to was, that the House agreed to vote a part of the Estimates for the then ensuing year, before the year had commenced; but he certainly did not imagine that the House meant, by its decision, to sanction the hon. Member's demand for an estimate of the expenditure of the ensuing year before the present year had expired, for he could not see how it was possible for that to be done. By the present mode of making out the financial accounts, the expenditure and receipts of the past year were first furnished at the close of the financial year, and then the Minister proceeded to state what the estimated expenditure was for the current

year. Now, if he were to attempt to make any such financial statement as the hon. Member's Motion would, if agreed to, require from him, before the April quarter completing the year had expired, the effect would only be, to elicit from him a most confused and unsatisfactory statement, and such as would have the effect of defeating the hon. Member's object. The hon. Member had made a complaint, at which he thought the House would feel considerably surprised. The hon. Member had asserted that the Ministers practised a delusion on the public, in furnishing the yearly retrospective balance-sheet. Now, he must say, that he was surprised to hear such a declaration from the hon. Member, for the balance-sheet was furnished solely in consequence of his own suggestion. The hon. Member had also complained that a part only of the yearly expenditure came under the observation and control of Parliament—namely, that which was included in the votes of the Committee of Supply. Now, it certainly was very true, that the money which was paid out of the Consolidated Fund was not voted every year; but that fund was at the disposition of Parliament, and the House had the power, at any time, of repealing the Acts by which the Consolidated Fund had been devoted to the purposes to which it was now applied, and the only reason why that part of the expenditure which was provided for by the Consolidated Fund was not brought before the House, together with the Estimates was, because the Act of Parliament had fixed the exact amount of that payment, whereas the supplies depended upon the expenditure from year to year. It was his intention, and indeed a bill was in preparation, which would be ready when the immediate press of business had been disposed of, whereby the Exchequer would in future be put under such a regulation as he trusted would be satisfactory; by that arrangement the whole amount of the gross revenue would be carried to the account of the Exchequer on the one side, and the gross expenditure on the other; and when this change was effected, he should have no objection to furnish every one of the accounts in detail. He should also think it proper that the House be called upon to vote all the Estimates in one gross sum, but as the accounts were at present made up, the contingencies rendered it impossible to say prospectively

what amount of expenditure would be necessary. The hon. Member had complained that there was at present no account furnished of the gross revenue of the country. Now, the hon. Member must have said what he did not mean, for it could not have escaped his observation that the very first sheet of the financial accounts contained the gross amount of the revenue: [Mr. *Hume*—Yes; but not the gross amount of last year's revenue:] So the hon. Member wanted the Estimates of the present year—even before the past year's services were brought to a close. However, to pass to the hon. Member's other objections, the only data from which any Estimates could be prospectively calculated, must be taken from those of the preceding year; but he did not know that the gross revenue of the preceding year could form any basis for a calculation as to the receipts of any subsequent period. The hon. Member was well aware that Ministers were always ready to give him whatever accounts he wished for. The hon. Member had observed that the expenses attendant on the collection of the revenue at some of the outports exceeded the amount of the revenue received, and that the establishments exceeded the value of the services rendered by them. Now the hon. Member had totally laid aside the consideration, that the Custom-house officers at these ports were placed there as much for the prevention of smuggling as for the purposes of collecting the revenue, and though he was perfectly ready to admit the amount of revenue collected by them did not equal the cost of their maintenance, yet they must continue to support those establishments or else smuggling would be carried on to such an extent as to injure the fair trader, whom the Government was bound to protect. The hon. Member had referred also to the expenses incurred by the two Houses of Parliament, and had expressed a desire to have the accounts of those expenses laid before the House. Now he had no objection whatever to comply with the hon. Member's desire, and as some remark might be made relative to the large charge incurred for printing, he would in particular specify the exact sum paid to the printer, and if the hon. Member wished for it, the exact expenses to which each individual Member had put the country, by calling for printed documents. The hon. Member had also observed, that the House ought to have

the whole force of the country brought at once before them when the estimates were produced. Now that part of the hon. Member's wishes was already complied with, and if he wanted to have the numbers stated in one sheet, he could easily have his desire gratified. But he must say, that the hon. Member's desire for accounts often led him to make such demands as, when complied with, were totally useless and very expensive to make up. Whilst on this subject he would take the opportunity of stating, that the present Lord Chief Justice had agreed to perform his duties for the reduced salary of 8,000*l.* a year, instead of 10,000*l.*, which his predecessors received, who had also enjoyed the advantages of a place, from which he received something very considerable. The present Lord Chief Justice, his hon. friend, had readily consented to accept the office on the reduced salary, and they thought that the opportunity for reducing the scale of salaries was now come, and ought to be seized. He had already stated the intentions of the Government to bring forward a bill regulating the Exchequer, so as to show the gross revenue on one side, and the gross expenditure on the other, and when that Bill was brought into operation the House would have a check over the income and expenditure which it did not now possess; and also an opportunity of criticizing the accounts more narrowly. He admitted, that at present the House had no check over the expenses incurred for the collection of the revenue, but by the arrangements which he proposed to effect by this Bill that evil would be remedied.

Mr. *Hume* wished to make one observation. Some hon. Members had indulged in a laugh on hearing the noble Lord assert, that the commencement and termination of the financial year, as at present arranged, had met with his approval, supposing most probably, that the alteration had originated in a proposal of his own. But he would beg to recall to the noble Lord's recollection, that the proposition which he made in the Committee on this matter had been negatived, and he and his hon. friend (Mr. Warburton), who sat near him, were over-ruled upon this matter, the recommendation for altering the period of the financial year to its present duration having been subsequently suggested by the hon. member for Abingdon. If the noble Lord, however, felt it to be in-



convenient to furnish the Returns comprised in his Motion, he would not press for them.

Motion withdrawn.

PRIVATE LIGHTHOUSES.] Mr. Hume said, that he had now a Motion to submit to the House, which was of considerable importance to the whole of the shipping interest of this country—he meant the charges to which they were subjected for the maintenance and expense of Lighthouses on the coast. He (Mr. Hume) had first brought this question under the consideration of the House in the year 1821, when a Committee was appointed, who gave in a Report, in which hon. Members would find the amount of charge stated, to which the shipping interest was subjected on this account. He was bound to say, that since the Report of that Committee was made, much had been done to relieve the shipping interest from this charge; but, as ample details of the improvements recommended would be found in the Report alluded to, he would not trouble the House by repeating them. The complaint which he had now to make, was, that the King's prerogative was grossly abused in renewing leases of lighthouses to private individuals, and for their private benefit. In the Report laid before the House in 1823, relative to the shipping interest, it was recommended that all lighthouses should be placed under the direction of the Trinity-house, and that no charge should be made for them beyond the exact amount expended for their maintenance; but, notwithstanding that recommendation, the leases of the lighthouse of Dungeness (which was let to Mr. Coke), and those of Harwich and Orfordness, had been renewed since that period on terms which entailed an annual expense of 30,000*l.* on the shipping interest. That such a scandalous abuse should exist was astonishing, and he thought that the shipping interest should use every endeavour to rid themselves of it. In order to show the extent of the injury, he would read what the Report said on the subject of three of the private lighthouses only. It appeared, that from the Winterton lighthouse—the proceeds of which are divided equally between Lord Braybrooke and the Commissioners of Woods and Forests, and from which Returns had only been given for twenty-one months from the expiration of the old lease—that in these twenty-one

months Lord Braybrooke received, after all the expenses of maintaining the lighthouse and keeping up the lights had been paid, 11,000*l.*, and the Commissioners of Woods and Forests a like sum; so that by this light-house alone a tax of 22,000*l.* was laid on the shipping interest. He had brought the subject before the House in 1823, when several Members had stated their opinions on it; and at that time two Ministers of the Crown pledged themselves, that as the leases of private light-houses fell in they should not be renewed, yet they had been renewed. He considered that this was exercising the King's prerogative to an extent which was contrary to the Constitution, for the King had no right to tax any class of his subjects; and if his Majesty's prerogative could be exercised in this instance to lay a tax on the shipping interest, he (Mr. Hume) saw no reason why it should not be so far stretched as to lay taxes on other classes. The lighthouses of Winterton and Orfordness had yielded to the family of Lord Braybrooke 17,000*l.* a year for the last twenty-one years; and it was absurd to say, that because that family had enjoyed this revenue for so many years, it should continue to enjoy it. Dungeness yielded a revenue to Mr. Coke of 8,000*l.* a year, and Harwich 4,000*l.* There were many other private lighthouses, but he only alluded to those of which the leases had lately expired, and of which the Government promised that the leases should not be renewed. Since the Report of the Committee was made, the recommendation made by them had been acceded to, and the charge levied for those lights had been reduced by one-half; but he (Mr. Hume) was prepared to show that a still greater reduction ought to be made. In the year 1828, the amount levied for light-houses in England by the Trinity-house, was 69,000*l.*, in Scotland 34,000*l.*, and in Ireland 36,000*l.*; which, with the amount levied for the three private lighthouses which he had already mentioned, came to 169,000*l.* This was exclusive of other private light-houses, of which he could not ascertain the revenue, as they did not choose to make any return; but he thought that he was not far wrong in saying, that the whole sum raised on the shipping interest, for the support of light-houses, amounted to from 180,000*l.* to 190,000*l.* The whole system required revision, and to be placed under different management from what it

was at present. The members of the Trinity-house were naval men—he had opportunities of observing them for ten years, and had satisfaction in saying, that he thought they did their duty. The brethren of that institution were composed of West-India and East-India captains, with a mixture of persons connected with trade and shipping, all of whom understood the business to which they were appointed; but what was the case with those who had charge of the lighthouses in Scotland? He held in his hand a list of the Board of Commissioners for the Northern Lighthouses, and he would put it to the House whether they were fitted for the duties connected with that office. The first name on the list was the late Lord Advocate for Scotland, and next came the Solicitor General. The Lord Provost of Edinburgh came next, and then followed the Lord Provost of Glasgow (whom he had the pleasure of seeing opposite to him); the Provosts of Aberdeen and Inverness; and the Sheriffs of Lanark, Argyle, Orkney, &c., all of them lawyers, and without a single naval man among them. He would leave it to the House to say whether these were the most proper persons to manage light-houses. The fact was, that they had a clever engineer to whom the whole management was confided. The idea of trusting such a matter to persons like the Provost of Glasgow, or the Provost of Inverness—or, indeed, any other Provost, was quite preposterous. But if matters were bad in Scotland, they were worse in Ireland. In Dublin there was what was called a Ballast Board, which managed the light-houses, and raised 36,000*l.* for that purpose. The Board consisted of bankers, magistrates, and persons of all classes, excepting naval men—there was not one naval man in the Ballast Board; yet, to that Board was confided the care of those lighthouses, in which the whole shipping interest was so much concerned. He thought, that on a subject of so much importance, it was the duty of the First Lord of the Admiralty to carry some measure through, which would put it on a proper footing. It was more especially that officer's duty, now when so many complaints were daily made of the distress felt by the shipping interest; but whether that class was distressed or not, he considered that where an annual expense of nearly 200,000*l.* was incurred on lighthouses alone, it behoved

Government not to pass it over without inquiry, and without giving every possible relief to the shipping interest. He (Mr. Hume) was aware, that the subject was fenced with charters, which might be rather difficult to overcome, but he did not think that these would offer an insurmountable obstacle. He had no objection that the Trinity House should have the management of the lighthouses in England, but while Scotch Provosts and lawyers, and Irish bankers and Magistrates had the management of them in their respective countries, he could not expect that they would be properly managed. He hoped, that the House would take the lights from these two bodies, that they would not allow the northern lights to shine under their present auspices, nor the Ballast Board to exercise its jurisdiction in Ireland another year. He admitted, that great improvements had been made since 1823, but still there was room for greater improvement. He repeated, that he thought the King had no prerogative to lay a tax upon the people by means of these lights, or if he had, that he might as well tax any class of his subjects in any other way. There was another point connected with this subject to which he wished to allude. Since the reciprocity system was introduced, by which foreign vessels were exempted from paying lighthouse dues, the Government paid to the private light-houses all the extra dues which should have been paid by foreign ships but for that arrangement; so that the Government actually paid money out of the public purse to those private light-houses, over and above the large sums which were paid by the owners of ships in this country, which they ought never to pay. The question was one of greater importance than was supposed, and he hoped that Government would take some measures to have it placed on a proper footing. The hon. Member concluded, by moving for Returns—

“Of the gross and nett revenue collected for lighthouse duties from shipping, and from the consolidated customs for foreign vessels, for each of the lighthouses at Harwich, Dungeness, the Smalls, the Longships, and Burnham, in each of the four years, 1828, 1829, 1830, and 1831; stating the appropriation of the nett revenue in each year, to whom paid, the amount to each, and by what authority paid.

“Of the gross and nett revenue collected



for lighthouse duties from shipping, and from the consolidated customs for foreign vessels, for each of the lighthouses at Wintertonness, Orfordness, Hunstanston Cliff, county of Norfolk, and at the Northern-South Forelands, and for all other lighthouses in the hands of private individuals, in each year, from 1823 to 1831, both years inclusive; stating the appropriation of the nett revenue in each, to whom paid, the amount to each, and by what authority paid.—Also Returns

“Of the several reductions and alterations of duties of lights, of buoys, of beaconnage, and of pilotage, which have been effected subsequently to the year 1822, by the Corporation of Trinity House of Deptford Strond, in relation to these duties payable to that body; showing what purchases of lighthouses on lease have been made by them, the dates when made, and the terms and conditions of the same. Also copies or extracts of correspondence respecting purchases which have not been effected.

“Of the several reductions and alterations of duties of lights which have been effected subsequently to 1822 on lighthouses in the hands of private individuals and public bodies, other than the Trinity House of Deptford Strond, in England. Similar Returns of reductions and alterations of the duties of lights in Scotland since 1832. Similar Returns of reductions and alterations of the duties of lights in Ireland since 1822. Also an Account

“Of all sums of money received by the Corporation of Trinity House of Deptford Strond, as light-money from vessels, between 1st January 1828, and 1st January 1832, in each year, showing the rate of charge under each light; with a separate account of the receipt and expenditure for each particular light; and specifying the particular patent or grant, or Act of Parliament, under which the same has been levied; also, the gross amount in each year of the whole of these light-duties.

“Return of the whole receipt and revenue of the Corporation of Trinity House of Deptford Strond; distinguishing the particular sources from which the same are derived, together with a particular and detailed account of the appropriation, for the year 1831.

“Return, with an abstract account of the gross sum collected for light-duty by the Corporation of Trinity House of Deptford Strond; the gross amount paid by

the Corporation as commission for collecting the same; stating the amount of such commission paid to each collector, and the rate per cent paid to him for the collection in the year 1831. Also an account

“Of the gross sum collected for light-dues by the Commissioners of northern lighthouses, the gross amount paid as commission for collecting the same; stating the amount of such commission paid to each collector, and the rate per cent paid to him for the collection in the year 1831.”

Mr. *Robinson* seconded the Motion. It would be right, he thought, to frame the return so as to ascertain the unexpired terms of existing leases to private individuals. He thought the granting of leases of lighthouses was a most objectionable mode of remunerating those who had, or were thought to have, claims upon the Crown. Foreign nations were induced by our practice to impose a duty upon English shipping; for, as England, for instance, made French vessels pay for the lights upon the English coasts, France naturally retaliated by making English ships pay a lighthouse duty on entering a French port. He believed that, under all governments, the lighthouse system had been made one of gross jobbing, and that great corruption existed with respect to the charges. He trusted that Ministers would now take all these abuses into consideration, and that they would afford the public all the relief possible. He hoped that no more leases of lighthouses would ever be renewed.

Mr. *P. Thomson* said, that he did not rise to offer any opposition whatever to the Motion of the hon. member for Middlesex; on the contrary, he was extremely glad that the hon. Member had brought the subject forward. It would be for the House to determine, after the papers were laid on the Table, in what manner it would deal with the question. He could not, however, see that the House could deal with it in the manner suggested by the hon. Member, for he could not think that it was feasible to deal with rights which had been granted to individuals by the Crown in the manner proposed. At the same time he was convinced that similar rights ought never to be conceded in future; and it was most desirable, he admitted, that whatever pressed upon the shipping interests for the benefit of individuals ought to be removed as soon as

possible by that House. He should be very happy if it could be shown that any agreement could be entered into, or an equitable system adopted, by which the burthens so justly complained of could be taken off. With respect to what the hon. Member had said on the subject of renewing the leases of two lighthouses in favour of two individuals after a strong representation had been made upon the subject, he could only say, that the renewals had not been granted by the administration of which he had the honour to form a part; and he had always maintained that these advantages ought not to have been conceded, but that the lighthouses ought to have been placed under the direction and management of the Trinity House. He could not by any means agree, however, with the hon. member for Worcester, that all governments were inclined to job with those lighthouses, for on the only occasion which had occurred of a lighthouse coming within the control of the present Administration, the First Lord of the Admiralty abandoned not only what he might have claimed, but he conceded to the shipping interest even the benefit of which he was in actual possession. The North and South Foreland lights fell into Greenwich Hospital last year. The right hon. Baronet at the head of the Admiralty had made no claim for a renewal of these leases upon the advantageous terms upon which they had been previously held, and he had abandoned a sum of between five and six thousand a year for the benefit of the shipping interest. He had placed the lights under the control of the Trinity House, and directed that no charges should be made on ships, except what might be found necessary in order to defray the expenses of the lights. He acknowledged that the existing system obliged the Government to pay money to foreigners which it could but ill afford: he meant money beyond the tax imposed on the shipping interests. The Government, however, were now making all the arrangements in its power in order to secure a perfect system of lights for the benefit of the shipping of the country. During the present Session of Parliament, he hoped to be able to submit to the House some plan for the generalization of the subject, by means of bargains to be made with individuals now in possession of these lighthouses.

Sir Robert Peel did not rise to contest the general principle that had been laid down upon the subject, for his own opinion was, that whatever might be the vested interests of individuals in these lighthouses, it would be better to make a compensation to such persons, and to put the whole of the lights under some public department. He rose, however, for the purpose of replying to the mis-statement that had been made by the hon. member for Worcester, and he most positively denied that there was the slightest ground for the imputation which the hon. Member had cast upon the Administration of which he (Sir R. Peel) had the honour of forming a part. He most positively contradicted the assertion that there had been any desire on the part of the late Administration to convert these lighthouses into a means of jobbing, or to draw from them any advantages whatever. The Duke of Wellington's Administration certainly did renew the leases of two lighthouses in 1828 which had fallen in during that year, and a right to a renewal of which was claimed by two individuals who possessed in them a vested interest. To be sure, if the lease had been renewed to persons who supported the Administration in Parliament, or to persons whose support might be calculated upon in consequence of such renewals, then he acknowledged that there might appear a *prima facie* suspicion of jobbing. But both of the leases had been renewed to a nobleman and to a Member of Parliament, both of whom had always been in habits of the most active opposition to Ministers, and whose characters placed them above all suspicion that any such favours could influence their public conduct. What, then, would become of the suspicion that the renewals had been granted from motives of political jobbing? The two individuals to whom he had alluded were Lord Braybrooke and Mr. Coke, of Norfolk. What object, what motive, but a sense of justice could have influenced Ministers to grant the renewals to two such individuals? Mr. Coke's memorial had stated that the Dungeness lighthouse, the lease of which he wished to be renewed, had originally been built by his relative, the Earl of Thanet, at his own expense and upon his own ground. If, then, the property was his, and it was built upon his own estate, on what principle could the Government take the lighthouse without making an adequate com-



pensation to the individual? The leases in this case had been renewed for 150 years, and, whether it was politic or not to renew them, he hoped he had said enough to show that no party interest whatever had in the least influenced the transaction.

Mr. Pease was extremely glad that the hon. member for Middlesex had brought the subject before the House. He considered it a subject which not only deeply involved the interests of the country, but which still more deeply involved the interests of humanity, and the claims of that highly useful and meritorious class of men in whose welfare all persons must feel the most lively concern. From his local knowledge he was able to say, that in the harbours and coasts of the part of the country with which he was connected, the seamen were exposed to many risks by wanting lights, owing to the expense necessary to be incurred if lighthouses were constructed. The whole system, in his opinion, ought to be put under the control and management of a board of judicious, practical, and experienced persons. It had always appeared to him to be a most extraordinary anomaly that, whilst the highest persons in the State, and humane persons in general, were subscribing fifty or a hundred pounds to different societies, such for instance as the Marine Society, the Society for the Relief of Shipwrecked Seamen, to lifeboats, to Captain Manby's contrivance, and to similar objects, there should be a tax levied by individuals, and under the sanction of the Crown, which was nothing more nor less than a direct hindrance to the preservation of lives in the gross. He hoped that, after the Returns now moved for should be laid on the Table of the House, hon. Members would be able to see their way clearer, and would proceed still further than what had been suggested. Whilst mariners were a class of their fellow-subjects, to whose welfare all possible attention was due, and upon whose safety and interests no care could be ill-bestowed, as their lives and property were exposed for the benefit of others, was it not a strange anomaly that their lives should be placed even in greater jeopardy than was necessary, merely because the lighthouses were to be taxed, in order to raise sums to create a fund for paying seamen's pensions? If these pensions were necessary, let them be raised from other sources. Let there not be one single

lighthouse the fewer by raising such funds, although the funds might be really well applied. He did not dispute the propriety of the application, but still he must maintain that to tax lighthouses and to keep down the necessary number for the purpose of raising a pension-fund was at best very bad policy. Upon the ground of humanity, and upon all other grounds, the whole subject was well worthy the attention of the House. He congratulated the House that, notwithstanding the number of new Members, its debates had not been more desultory; he had even been amused, nay, edified, by the debates; and yet he could not help expressing his regret and disappointment at finding that the House had got so far into the Session without coming to any practical result upon any point.

Lord Ebrington rose to correct a statement made by an hon. Member (Mr. Hume). That hon. Gentleman had stated the annual receipts of Lord Braybrooke, from Winterton and Orfordness, to be 22,000*l.*, besides a large sum received independent of this. He was not aware whence the hon. Member derived this information, but he could state that it was greatly exaggerated. In fact, he could tell the House decidedly that these properties did not produce half that amount. He was far from pretending to advocate the propriety of the grant, though he was confident that the Government who made it had no sinister or improper motives for so doing.

Mr. Hume said, he would authenticate his statement by reading the return sent in by Lord Braybrooke of the receipts, whence he had derived his information. On the expiration of the former lease, it had been arranged between the Commissioners of Woods and Forests and his Lordship, that after the expenses had been paid, the subsequent profits should be divided between the parties so agreeing. By this return, it appeared that Lord Braybrooke had received 11,877*l.* for his share of the profits, so that, of course, 23,754*l.* had been levied in twenty-one months. This sum was a nett amount over and above the expenses.

Lord Ebrington observed that the hon. Member had stated the receipts at above 22,000*l.* per annum.

Mr. Hume said, if so he had made a mistake. When he had before brought this subject under the notice of the House,

he had been solemnly assured both by Mr. Herries and Mr. Huskisson, that the leases should not be renewed; nevertheless in spite of an urgent objection made by a Committee from the Trinity house, the leases had been renewed, and the country thereby saddled with a burthen to the amount of 30,000*l.* a-year.

Mr. *G. F. Young* strongly objected to any unnecessary charge upon the British shipping interest, which felt the present tax to be an intolerable grievance. While all the expense of these lighthouses fell upon the merchant service, the Royal Navy experienced all the benefits of them, without, in the least contributing to their maintenance. The Royal Navy should pay their share of the expense. He had been induced more particularly to make these observations, from information he had received that it was in contemplation to erect a new light house at the expense of the merchant service, the sole benefit of which would result to the Royal Navy.

Captain *Dundas* said, the hon. Member was much mistaken in his opinion, for he held a letter from an owner of vessels in the merchant service, which highly approved of the project, as being of great importance to the merchant service, and the security of property navigating those parts of the Channel. Indeed, he would leave the question to the hon. Member's father, who was a nautical man of great experience; and who, he was certain, would decide against his son, and say that that light, if erected, must be of great service to mercantile shipping in the Channel.

Sir *Edward Codrington* observed, that the lights in proper situations were of great benefit in the service, yet there was a danger of their being multiplied injuriously. It was a great point, and often not attainable, to distinguish one light from another, and in thinking they were off one, when they were off another, they were sure to run into danger.

Returns ordered.

PRINCE LEOPOLD'S ANNUITY.] Mr. *Hall* rose, he said, to call the attention of the House to a financial statement which arose out of the settlement that had been made upon Prince Leopold, upon his marriage with the late Princess Charlotte. He held in his hand a copy of a letter which Prince Leopold had written to the noble Earl at the head of the Admin-

istration, and in which the prince had directed that certain sums should be disbursed out of the pension he received from this country, and that, after such disbursements the balance should be paid into the Exchequer for the benefit of the public. The prince had directed payments to be made, the amount of which it was impossible for him (Mr. Hall) to determine, but they certainly, in appearance, formed but a small part of the gross amount of the pension or annuity. His highness had directed that there should be paid out of his annuity certain sums to his servants, a certain amount of public subscriptions to charities to which his serene highness and the Princess Charlotte had subscribed, that the expenses of keeping up Claremont should be defrayed; and that, after these disbursements, all the balance of the annuity should be refunded to the public. A year and a half had elapsed, and it was to be supposed that a large surplus had been received into the Exchequer. The object of his motion was, to ascertain if any sum had been paid in since July, 1831, and what was the amount. He would not take up any more of the time of the House, but would move for an account of all sums of money which had been paid into the Exchequer out of the annuity granted to Prince Leopold, now king of the Belgians, since the 18th July, 1831.

Lord *Althorp* said, that it was evident, by the letter which the hon. Member had read, that his Majesty the king of the Belgians had directed that all his outstanding debts in England, with the keeping up of Claremont and certain other expenses, should be defrayed before the balance of his annuity should be paid into the Exchequer. He (Lord Althorp) was not aware upon what grounds it had been calculated that the debts amounted to only 10,000*l.*; but he knew that they turned out to be much greater than anybody expected, and this he must observe was very often the case, in calculations of debts. He could only say, that up to the present time, the debts of his Royal Highness were not discharged. The trustees whom the king of the Belgians had appointed, had found that there were such heavy charges upon the annuity that they declined undertaking the trust, as they were not aware how much they might make themselves liable to, or what responsibilities they might incur. Now that the trustees saw that the debts were nearly



discharged, they consented to act, and he believed that the intentions of the king of the Belgians as to paying the money into the Exchequer, would soon come into operation. Under all these circumstances, he hoped that the hon. member for Monmouth would not press his Motion to a division.

Mr. *Hall* declared, that he was not aware of this extraordinary state of the prince's debts, but, after the noble Lord's observations, he would withdraw his Motion.

Mr. *Robinson* said, that he recollected that when the Prince Leopold had left this country, a great boast had been made of his merit, in relinquishing his annuity, and the public had a right to expect to derive some benefit from a relinquishment thus boasted of; but it now turned out that as yet no benefit whatever had been derived by the people of England. The public could not conceive, that with such an excessively liberal income, the prince could have got so deeply involved in debt, that in a year and a half his encumbrances and arrears had not been paid off. He wished to know, whether, even now, the king of the Belgians did not continue to derive some of his income from this country? He would maintain that the grant of the annuity was dissolved immediately the prince accepted the Belgian throne, and became an alien to England, with opposite interests and connexions.

Motion withdrawn.

PUBLICATION OF THE VOTES OF MEMBERS.] Mr. *Harvey* said, that it always gave him great satisfaction when it was his lot to bring Motions before the House which so strongly recommended themselves to every man's approbation, by their intrinsic merits and absolute necessity, that he felt it superfluous to speak at any length in their behalf. The notion that the votes which Members gave on any occasion should be concealed, was now so entirely exploded, that he doubted whether any hon. Member could be found who would support such a doctrine. He believed, that every person now acknowledged that responsibility, and not secrecy and concealment, was the basis of the trust reposed in the hands of Representatives by their constituents; and that the due discharge of their duties mainly depended upon the fact, that the constituents were informed of what took

place in that House, and of the votes which their Representatives gave upon different occasions. He thought it most essential that their votes on important questions ought to be officially disclosed. If any hon. Members thought otherwise, to be consistent, they ought to close the usual channels by which the country was made acquainted with whatever transpired in that House. In a Reformed Parliament he believed, that all hon. Members would be desirous that their constituents should know how they voted, and the part they took upon every occasion; but when the House was composed of Representatives without constituents — when there had been no sympathy whatever between the House and the country — when they had been suspected, or, what was worse, when they had been acting in direct opposition to each other, concealment of votes was essential to Members of Parliament. The system was now different, and he could not conceive how any hon. Members returned to a Reformed Parliament upon reforming principles, and professing the objects of Reform, could raise the shadow of an objection to the principle of a communication between constituents and Representatives, as to the manner they discharged the trust reposed in them. Their proceedings were closely watched by the public, who, till the Reform Bill was passed, were estranged from the Parliament, which had no sympathy with them. Now a sympathy had been restored between them, and the people looked with confidence to their deliberations. It could only be by some strange neglect if the feelings of the public should again be alienated from that House; and a record of their votes, while it made their opinions known, would be the best means of guarding against it. He would not suggest any plan of taking the votes, because he did not wish to divert the attention of the House from the principle, and because he knew, if he suggested any plan, Gentlemen would torture their ingenuity to devise objections to the details, and would lose sight of the main object. He would leave it to the known talents of the Speaker to point out the best mode of accomplishing the object he had in view. If, however, he were to suggest any plan, it would be, perhaps, that there should be a box provided at the Table of the House, and one in the Lobby with "Aye" and "No"

painted thereon, into which each Member should drop his card. He knew that he should, by mentioning any plan, excite ridicule of the House, but, nevertheless, he must say, that with these boxes, and the Members' names printed on slips of paper, they might, as the minority went forth, put their names in the box in the Lobby; while the majority, who would stay in the House, might put their names in the box on the Table. But he did not insist upon that scheme, and a Committee, should the principle be conceded, might undoubtedly find means to carry it into execution. He wished to meet one objection, namely, that the Motion was proposed with a view to intimidation. That notion would be clung to by the Conservatives, who might say, that it was making the House of Commons a Political Union. Those Gentlemen would say, that it was unsuitable for the House to act under the terror of their constituency. But he thought that even the Conservatives must like to have their votes recorded, even to show that they had performed their duty in a manner unexceptionable to their party. There was no Gentleman, whatever might be his opinions, who could desire to conceal his votes. He wished to ask the noble Lord the member for Norwich who cheered him, what votes he ever gave which he would like to have concealed? None, he was sure. In fact, the votes were already published, and the only question for the House was, would they not have it done in the best manner? Now it was done in a most unsatisfactory manner, it was done on great occasions only, and then only on one side. On a late occasion, when a list of the minority who voted in favour of the Motion of the hon. member for Middlesex was published, there were 138 names, and about twenty mistakes. The list of the minority was published on that occasion; but of course the majority wished that their patriotism should be proclaimed. They could not desire to hide their merits under a bushel. They must have wished for their own gratification, and the gratification of their constituents, that it should be known in what manner they had discharged their duty. He could fancy the disappointment they must suffer after such a publication in the papers of the following day, when the votes of the virtuous majority could only be picked up by questions of "how did you vote,"

and "how did you vote?" Then, again, the lists were to be corrected. There came next morning letters from this Conservative Club-house and that Union to the Editors of newspapers, requesting them to insert a correction that Mr. so and so was in the House, and voted in the majority. All these things showed a laudable anxiety in the Members to have their votes known. On these grounds he should propose his Motion, and take the sense of the House upon it. He would not, however, press the latter part of his Motion relative to the Members pairing off to leave their names in the vote office, but on the first part of the Motion he would take the sense of the House. The hon. Member concluded by moving, "That Mr. Speaker be requested to make the necessary arrangement for the taking of the Divisions, and for the insertion of them in the Votes, giving the name of each Member in the Majority and Minority."

Lord Stormont said, as the hon. Gentleman had alluded to him, he would take the opportunity of delivering his opinions on the subject. He was returned to Parliament without having given any pledge whatever, and he had no hesitation in saying that he would oppose the Motion. Pledges had been proposed to him, but to the proposition he had given a flat denial. He represented his own opinions in that House, and not the opinions of others. He came there determined always to exercise his own judgment, and act accordingly, and not to be guided by the will of any other individuals whatever. The Motion of the hon. and learned Gentleman amounted to this, that there should be published an account of the proceedings of that House in respect to the votes given by the Members, &c.; and this arrangement might be very agreeable to those who took the popular side of the question. Now, he was one of those men who acted upon his own opinions—and he never would be afraid of expressing them. He trusted, however, that his character was so well known that no person would accuse him of doing anything which could be derogatory to the principles which he had always advocated. He well remembered that, in the Parliament before last, there was a certain red list and black published; the red being the names of those who voted for Reform, and the black being the names of those who voted against it; and he



remembered, too, that upon one occasion the hon. member for Essex said, that he would sooner have his name appear in that black list in the characters therein displayed, than as one of the signers of Magna Charta. The hon. Gentleman wished to have an authentic account of the votes of all the Members published in the papers. That was, he thought, an infringement on the constitutional privileges of the House, and would only encourage the people to watch their proceedings. A few days ago, as the hon. Member said, there was a list published of what was called the glorious minority of 138, and afterwards a list of the glorious majority, and in that majority he found his name, though he was not present. He regarded that as of no moment, and had not taken any trouble to correct it, as he was not ambitious of writing a letter to *The True Sun*, or any similar publication. Certainly, if he had been in the House on that occasion, he would have supported his Majesty's Ministers, because he thought that they were upholding the constitutional prerogative of the Crown. The hon. Member said every Member must wish to have it known how he voted; he for one cared nothing about it. He was responsible to himself, and he and all the Members were responsible hereafter to their constituents; but at present he was sent there to do what he thought was right. If they were to assent to the Motion, it would be depreciating the character of the House. On those grounds he should oppose the Motion.

Lord *Althorp* could not say that he agreed with the noble Lord, that Members ought not to be responsible to their constituents. Every Member ought, in his opinion, to be responsible to his constituents as well as to himself. At the same time, he did not think Gentlemen were bound to give pledges as to what they should do; but every Member should enter completely free to exercise his own judgment on all affairs that came before him, and to act as he thought best for the public good. His constituents, however, ought to judge if he acted consonant to their views. He, therefore, did not object to the Motion on the ground that the votes of the Members should not be known to their constituents. Nor could he, after consideration, think that the publication was any breach of the

privileges of the House. The publication of the debates took place by sufferance, and was a breach of privilege; but the publication of the names of Members was never so considered. It was, therefore, on very different grounds from those assigned by the noble Lord, that he could not accede to the Motion. He could hardly think that the hon. Gentleman was serious in making it. If, when it appeared now to be necessary, it was difficult to get correct lists, he believed that the attempt to make those lists authentic and correct would be impossible. He was surprised to hear that doubt expressed by the hon. member for Middlesex, for no man knew better than that hon. Member the difficulty of making up those lists. In general it was known how most of the Members would vote before the division took place, and the lists were nearly finished before the division was taken. If it was done as a matter of duty, the lists would be either very inaccurate, or to make them accurate would cause great delay. Nothing could be more convincing of the difficulties which belonged to the subject, than the fact that the hon. mover, with all his abilities and ingenuity, could suggest no better plan than his two boxes. How were they to compel Members to put their names into these boxes? And how were they to be sure that no Gentleman ever put the name of another Member in by way of a joke? In fact, too, the House would be thrown into great confusion by the rush of Gentlemen to the Table to put their names in the box. Looking at all these things, he must say, that he could not think the hon. Member meant seriously to press his Motion to a division, particularly as the hon. Member had withdrawn that part of it which related to the pairing off of the Members.

Mr. *Warburton* said, if they admitted the principle, a Committee might arrange how the votes should be recorded. The names were now given, and the question was, should they be given correctly or incorrectly? At times great importance was attached to the publication of the names. In Canada, the votes always contained the names of the majorities and minorities. The House of Assembly was not indeed so large and so numerous as the House of Commons, but the principle was the same. If they were to set earnestly about it, the list of the majority and minority might be made in ten minutes on

the same plan as was now followed in taking the divisions. He remembered it was once the practice for each Member to write his name on a slip of paper, and hand it in to the clerk. He was aware that there existed no power to make hon. Members do this; but if the House enforced it by a rule to that effect, it would doubtless be obeyed. If the hon. member for Colchester should lose this Motion, he would recommend him, on a future day, to make a Motion to refer it to a Committee of Inquiry to adopt some such plan, even as an experiment.

Colonel *Davies* said, that if any practicable means could be pointed out of taking the division accurately, he should acquiesce in the propriety of adopting it; but he thought the Motion of the hon. Member would make the task of drawing up these lists more difficult than it was at present. He would remind the House of what took place a few nights ago, in taking the list of the minority of 138 for the Motion of the hon. member for Middlesex. He was one of about one dozen persons who were running about asking each Gentleman his name, and after all, though the division occupied forty or fifty minutes, he believed that no less than twenty names were inaccurately taken. He should rather endeavour to shorten than lengthen the divisions of the House, as being a great loss of public time. Admitting that the lists could be made out accurately, still he could not acquiesce in the Motion of the hon. Member, for the loss of time would be a serious evil; but if it could be easily and accurately done, then his objections would be removed.

Mr. *Hume* said, the simple question was, whether it was desirable that this should be done or not, for if desirable, then it could easily be done. He had had 658 names called over in half an hour by way of experiment, and if the experiment were made, it would be found that every Member could be called and could answer to his name in thirty-five minutes. The division of a full House usually lasted about forty-five minutes; and he would undertake that, in any division two individuals might make out the lists in that time by one calling over the names while the other wrote them down. He would do it himself, and he would rather take the trouble of doing it than have it done inaccurately if his services could prevent errors; for he

thought accurate lists of the divisions of the greatest importance. At all events, they might make the trial. He should not, however, advise them to begin with the boxes. He should vote for the question, as recognising the principle of publicity, and he entreated of the noble Lord that he would allow the experiment to be made. He at once admitted that a greater loss of time in the divisions than at present, if such should be the result, would not be advisable.

Sir *Robert Peel* could not conceive what object could be gained by the Motion. At present, on every interesting question, the names of the majorities and minorities were always given. On all the great questions that had been discussed in Parliament correct lists had been given—on the Catholic question—on the various parts of the Reform Bill, accurate lists of the votes had been published. He could not suppose that any objection would be made on account of the breach of privilege; for, on all great questions, the names were known. If they were taken by authority, would they be more accurate? He believed not. No man could be compelled to give in his name. The hon. Member's plan would be impracticable; and, if practicable, it would not necessarily ensure accuracy. If the Motion were successful, it would give rise to many petty Motions. Members would often press Motions to a division which they would not otherwise trouble themselves about, and it would lead to a great waste of time. It would be, in fact, a public nuisance. [Mr. *Hume*: There would be no inconvenience]. What! no inconvenience? Why, suppose a man voted black was white, would it be no inconvenience that his vote was so recorded without any explanation? Suppose the case of a Russian-Dutch Loan, which an hon. Member thought a case of profligate expenditure, and yet voted for it, would not that Member's vote be erroneously judged of, if the vote only were known without any explanation? The hon. Member might explain that he had voted so to save the Ministers—to protect the Reform Bill—or for some other equally good reason; but those who read only the votes would not know that, and the hon. Member would be condemned. The present mode of managing the votes was better than the one proposed. He must add, that he thought that Members were



responsible to their constituents for their votes; but God forbid that any constituency should judge any Member from an individual vote. They must take all his votes, and his whole conduct into consideration. The hon. Gentleman had challenged him to show any inconvenience from this plan, and he had answered the challenge, by showing that a Gentleman who voted black was white was liable to an erroneous construction of his conduct.

Mr. *Hume* was not ashamed of his vote on the Russian-Dutch Loan—he would vote so again—and he had published the lists of the majority and minority on that occasion.

Captain *Berkeley* opposed the Motion. He had never given any pledge, and he never would give one. If his constituents could not trust him, the sooner the connection between them was cut the better.

Mr. *Robert Steurt* said, that he was not in the last Parliament, but he understood from an hon. Member who was, that, on one occasion, thirteen divisions had taken place, when only forty-two Members were present. Now, if those divisions had been recorded, according to the hon. member for Middlesex's calculation, they would have consumed six hours. On the occasion already referred to he had voted in the majority, and he was so little ashamed of what he had done, that before the list of majority was published, he had written to some of his constituents to tell them how he had voted. He must, however, protest against the noble Lord's (Stormont) doctrine, that Members were not responsible to their constituents—that was, perhaps, the doctrine in the old Parliament, but it would not do in a Reformed Parliament.

Mr. *Aglionby* would not vote for the plan of the hon. member for Colchester, but would vote for the principle. It was most desirable for the country to know the votes of every Member, and as he understood that the hon. Member's plan was not involved in the Motion, he should certainly vote for it.

An *Hon. Member* observed, that he could not concur with the proposition of the hon. member for Colchester, but he was willing to concur in any measure for giving an accurate report of the divisions in the House which might be practicable.

Mr. *Harvey* was glad that the noble Lord (Stormont) had at length been brought to speak with some deference of

a popular constituency, and he hoped that he would soon be induced to designate the people of England by some more respectful term than that of a mere mob. He yielded to the noble Lord in whatever distinction he might derive from his acquirements, or the accident of rank; but he begged to inform the noble Lord, that he was not one of those Members, who in one Session represent one borough, in the next run to another, and in the third again change their seats. He had represented Colchester in six successive Parliaments. With respect to his Motion, it had been met exactly in the manner he had anticipated; and he must confess that he was a bad tactician to give his opponents the handle they had laid hold of. Hon. Members had, for the most part, evaded the principle which the Motion comprised, and had attacked the suggestion as to carrying it into effect, which was no part of the Motion. Much stronger objections than had been urged might probably be found against that suggestion; but he proposed it as a bare expression of opinion. The decision of what was to be done upon the principle he wished to have recognised—he left to the highest authority and greatest experience in the House. All that he wanted was, the recognition of the principle of publicity being the chief element of popular institutions, and that, therefore, the constituency of the United Kingdom have a right to know what the Representatives to whom they confide the defence of their honour and interests do on their behalf. It was no answer to say that the plan he had suggested was impracticable, for he had not the slightest doubt, that on a few Gentlemen meeting together, and turning their attention to the subject, a practicable plan would soon suggest itself. But even if it should fail, the experiment could do no harm. An hon. Gentleman seemed to think that he meant to convey a censure upon the Members of the majority in the division to which allusion had been so often made; but he considered every Gentleman, who voted in that majority, voted with the same independence as himself; and that independence he could assure the noble Lord, was as great as his own; for he had never, on being elected, given any pledge whatever. He had never acted under any feelings of subserviency to his constituency; for in the case of the Catholic question, he had voted in a way

which he knew to be contrary to the opinions of the majority of them; and he should do so again if a case should occur which should render it necessary for him to do so, even if he should feel convinced that his vote would render it impossible for him ever to enter that House again. The object of his Motion was, the affirmation of a principle, namely—that it was desirable that the proceedings in that House should be known to the public.

The House divided on the Resolution: Ayes 94; Noes 142:—Majority 48.

Lord *Althorp* proposed an alteration in the rule of the House, relative to divisions—namely, that those who dissented from the Speaker's decision should go forth.

Motion agreed to.

#### List of the AYES.

##### ENGLAND.

Adams, E. H.  
Aglionby, H.  
Attwood, T.  
Beaucherk, Maj. A. W.  
Bewes, T.  
Bish, T.  
Blackstone, W. S.  
Brocklehurst, J.  
Brotherton, J.  
Buckingham, J. S.  
Buller, C.  
Bulwer, H. L.  
Collier, J.  
Dawson, E.  
Dick, Q.  
Dilwyn, L. W.  
Divett, E.  
Ellis, W.  
Evans, W.  
Ewart, W.  
Fancourt, C.  
Fenton, J.  
Fielden, J.  
Gaskell, D.  
Gisborne, T.  
Grote, G.  
Guest, J. J.  
Gully, J.  
Hall, B.  
Handley, B.  
Hardy, J.  
Hawes, B.  
Hyett, W. H.  
Jervis, J.  
Langdale, hon. C.  
Lister, E. C.  
Lloyd, J. H.  
Marshall, J.  
Marstrand, T.  
Molesworth, Sir W.  
Paget, F.  
Parker, J.  
Parrott, Jasper  
Pease, J.

Philips, M.  
Phillips, C. M.  
Pryme, G.  
Ricardo, D.  
Richards, J.  
Roebuck, J. A.  
Romilly, E.  
Romilly, J.  
Shawe, R. N.  
Strutt, E.  
Talbot, W. H. F.  
Tennyson, rt. hon. C.  
Tooke, W.  
Turner, W.  
Tynte, C. J. K.  
Vincent, Sir F.  
Vivian, J. H.  
Walter, J.  
Warburton, H.  
Wason, R.  
Williams, G.  
Yelverton, hon. W. H.  
Young, G. F.

##### IRELAND.

Baldwin, H.  
Barry, S.  
Bernard, W. J.  
Dant, W. O.  
Finn, W. F.  
Fitzgerald, T.  
Lalor, P.  
Lynch, A.  
M'Laughlin, L.  
O'Connor, F.  
Roche, D.  
Roe, J.  
Ruthven, E.  
Ruthven, E. S.  
Sullivan, R.  
Verner, W.  
Vigors, N.

##### SCOTLAND.

Callander, J. H.  
Dunlop, J.  
Gillon, W. D.

Haliburton, hon. D. G.  
Maxwell, Sir J.  
Maxwell, J.  
Oliphant, L.  
Ormellie, Earl of

Sinclair, G.  
Wallace, R.  
TELLERS.  
Harvey, D. W.  
Hume, J.

#### HOUSE OF LORDS, Friday, February 22, 1833.

MINUTES.] Petitions presented. By Lord DINORBEN, from four Places in Wales; by the Earl of RODEN, from six Places in Ireland; by the Earl of ORFORD, from Market Harborough and Farndon; by Lord SUFFIELD, from Thetford and Perth; and by a Right Reverend PRELATE, from Bassingham,—for the Abolition of Slavery.—By the Marquess of CHOLMONDELY, from Falkingham; and by Lord SALTOUN, from Dore, Inverness,—for the Better Observance of the Sabbath.—By the Earl of RODEN, from Leslie (Scotland), against the existing System of Church Patronage.

SUPPRESSION OF DISTURBANCES (IRELAND.)] Earl Grey moved the third reading of the Bill for the Suppression of Disturbances in Ireland.

Lord *Teynham* said, that though he was aware that his feeble opposition would avail little, however humble might be his powers, he could not refrain from embracing this last opportunity of raising his voice against a measure which appeared to him to be one of the most violent invasions of the Constitution ever perpetrated on unhappy Ireland, and one which was likely to be attended with the most prejudicial consequences to both countries. No man was more anxious than himself for the continuance of the Union between England and Ireland; no man was more anxious to see all disturbances cease, and the question of repeal set at rest. But did the noble Earl believe that this Bill could possibly have such an effect? What other effect could it possibly have than that of adding to the irritation which already existed there, and of increasing that spirit of resistance which had already proved itself so powerful, and which was spreading so widely. Instead of seeking to conciliate the Irish—instead of trying to gain their affections, the noble Earl's Bill would tend to alienate them more and more from the English nation, and make them still more desirous of repeal, and even of separation, than they were at present. He most deeply deplored this measure—he most deeply deplored that it should have been even brought forward by the noble Earl at the head of his Majesty's Government, because he was convinced that noble Earl was one of the most honest Ministers this country ever had; but he feared that he was acting under some strange delu-



sion or infatuation—God knew what; and he feared he would hereafter have occasion to repent it. If the noble Earl had only read, with the same attention which he had bestowed upon them, the returns which were laid upon their Lordships' Table that day, he would be perfectly convinced that the state of Ireland had, for some time past, been progressively improving. The principal causes of disturbance in that country were tithes and Church-cess, and he thanked God that his Majesty's Government had lately introduced into the other House a bill by which these sources of dissatisfaction were likely to be done away with. He called the attention of their Lordships for a moment to the effect which this Bill must produce upon the army. How would the numerous brave soldiers of Ireland feel at this treatment of their countrymen? What would be their sensations when called upon to carry martial law into that country? No officer of the British army ought ever to be placed in such a situation as to be called upon to preside at a court-martial to try his fellow-subjects for offences not usually cognizable by military law. He regretted, however, to see the apathy with which their Lordships regarded the progress of such measures; and feeling, as he did, assured that the eloquence even of a Chatham would avail little against the settled determination—he must apologize for intruding upon them the opinions of an individual so humble as himself. But he could not avoid warning their Lordships of the consequences that were likely to ensue, and he prayed them not to despise the power and the strength of Ireland to effect a separation, but to remember that America, with a smaller population—with infinitely less resources than Ireland at present possessed—no sooner became finally assured that her grievances would not be redressed, than she at once declared her independence, and maintained it, in defiance of all the force which England could direct against her. This was a fatal measure—a measure which he must deeply deplore. It was hurried in a most indecent manner, and without due forethought and deliberation. It yet remained to be shown, that the means already at the command of the law were not sufficient to put down outrage. No documents had been laid before them—no Committee formed—no evidence taken. On former occasions, when the Constitution was suspended, some steps of this kind were generally adopted, but in this instance, that precedent had not been

followed. Nay, his Majesty's Ministers could not even point to one single petition on their Lordships' Table, praying the House for its interference and protection against these much talked of outrages. What was the case made out by the noble Earl? Why, that there had been a collision between the populace and the police; but was it not notorious that there were constant collisions between poachers and gamekeepers in England? Would any one say, that the constitutional law in England should be suspended, because there had been a collision between the smugglers and the preventive men in Kent? In many of those battles, upwards of 400 people had been engaged, and would any one say that was not as much a civil war as that which was now said to rage in Ireland? He knew that it was almost useless to speak against this Bill, supported as it was, but he nevertheless felt it to be his duty to raise his voice against a measure, the consequence of which he so much dreaded. If they turned to history, they would find that violent and arbitrary measures had never succeeded in obtaining their object. There was one omission in the Bill, to which he would particularly call the attention of the House. No provision was made in the event of a dissolution of Parliament, as to what the powers of the Lord Lieutenant should be. Was he to have the power of suppressing the voice of electors? Was he by proclamation, to stop contested elections, and make the electors vote, like slaves, for whomsoever he pleased? Another point he thought their Lordships ought to consider before they left the House, was the manner in which, under the other Act before the House, a person might be conveyed from one prison to another, and at length be entirely lost sight of by his friends. He called upon the Ministers—he called upon their Lordships—to pause whilst there was yet time, and hesitate before they consummated a measure so fraught with evil consequences—not merely to Ireland, but also to this country.

The Earl of *Westmoreland* said, that after the observations which had fallen from the noble Baron opposite, he felt that it would be but respectful to his Majesty's Ministers, that instead of giving them a silent vote upon this occasion, he should express his opinion. After the able exposition of the subject from the noble Earl opposite (Earl Grey), a few nights back, he thought no man who had any proper consideration of political subjects, could

question the necessity of the Crown being invested with fresh powers to carry the law into effect. He thought, too, that those who took upon themselves the responsibility of passing such a measure, ought to have been left to frame it as they pleased, and he almost wished that it could have passed without any alteration. He thought the thanks of all classes of the community, but more especially of the poor deluded people of Ireland themselves, were due to his Majesty's Ministers for the firm and decided manner in which they had brought this subject forward. For his own part, he gave them his sincere thanks, and he hoped he might be permitted to give them also in the name of all those, his colleagues, with whom he had acted during the late reigns—in the name of the noble Marquess, and the noble Earl near him—in the names of Lord Sidmouth and of the Earl of Liverpool—in the names of the Duke of Portland and Mr. Pitt—who, when placed in circumstances of the like nature, had also stepped forward and fearlessly done their duty, by asking for powers beyond the law. Those men to whom he referred, had sometimes not escaped the censure of noble Lords opposite, but they had now made ample amends, for they had added to and embraced every thing in that measure which could justify them in the course they had deemed it expedient to pursue. There was no doubt that a heavy responsibility rested upon the noble Earl and his colleagues, for having, in a time of public peace, brought Ireland into such a condition as the noble Earl had described. Whatever charges, however, might be brought against the noble Earl, the present was certainly not the time to investigate them. The question now was, whether they should restore Ireland to peace—whether they should restore that country to his Majesty's dominion. To effect this object he certainly should vote for the third reading of the Bill, and he hoped that all classes would unite in favour of so desirable a measure.

The Bill, with verbal Amendments, read a third time and passed.

**CHANGE OF VENUE (IRELAND) BILL.]** Earl Grey said, he rose to move the second reading of the Bill for the better administration of impartial justice in Ireland, which he had last night presented to their Lordships, and the object of which was to change the venue in certain cases in Ireland. This Bill rested upon the same

grounds as that which had been just passed—namely, the disturbed state of Ireland, and the inadequacy of the law in its present state to provide for the security and good government of Ireland. He should not, therefore, detain their Lordships by a repetition of the various circumstances which he brought before them on introducing the Bill which had just passed. All measures of this kind depended upon the necessity of the case: and he should most readily agree with the noble Lord near him, who had spoken so fervently against these measures—that nothing could be more monstrous than such a proposition, if it were not justified by extreme and urgent necessity, and on that ground it was, and that ground only, that he rested his defence. If any man, looking to the state of Ireland, should think that the security of his Majesty's loyal subjects could be provided for, after the evidence already given, without additional powers of this nature, then he was certainly quite right to oppose them. On the contrary, those who thought these powers necessary, consented to exceed the law, only to prevent the subversion of all law—they supported this merely as a temporary measure, arising from an urgent and lamentable necessity. With regard to what had fallen from the noble Earl opposite (Westmorland), he accepted his support with thankfulness, but he would not be moved by something very much like a taunt to recur to past transactions; he would merely observe, that circumstances might exist which would make a noble Lord unwilling at one time to agree to such a measure as that just passed, whilst at another he might feel, that the necessity for resorting to strong measures had arisen. There was no sentiment which he had expressed at any period of his political life which he did not still retain, and he must assure their Lordships that he had never executed a more painful duty than that which was imposed upon him by the necessity arising out of the state of Ireland to take strong measures for the preservation of peace. This Bill arose out of the same causes as the Bill for the Suppression of Disturbances in Ireland. It was a melancholy fact, that there existed in Ireland a system of intimidation which impeded the execution of all law, which prevented Juries from giving honest verdicts, prosecutors from coming forward to prosecute, and witnesses from declaring the truth. Under circumstances of this kind, it was now proposed to their Lordships that, when-



ever the necessity arose, the trial should be removed from the county where the offence had taken place, and that the cause should be tried either in the adjoining county, or in the city and county of the city of Dublin. The history of Ireland unfortunately furnished them with many precedents for a bill like this. The 11th and 12th George 3rd, in 1772, referred to all the Acts upon the subject, and there were several Acts during the reigns of George 2nd, and George 3rd. It was singular that at that time precisely the same species of offences were enumerated as the reasons for those acts as now prevailed, namely, attacking houses for arms, the infliction of severe bodily punishment upon those who resisted the daring violations of the law, the threats to compel the relinquishment of leases, and above all, the offences arising out of tithes. In the sixth section of the Act, the intimidation of Jurors, and the consequent increase of outrages, arising from a hope of impunity from that circumstance, was referred to as rendering necessary the change of the venue. In that Act, the venue could be only changed to Dublin, whereas, in the Bill before the House, it might be changed if practicable to the adjoining county. Another improvement in this Bill upon the former enactment was, that the venue could only be changed by the Court of King's Bench at the instance of the Attorney General, whilst for the security of the subject, a further power was given that it might be done at the instance of the party accused. He did not anticipate much difficulty in passing this Bill. With respect to its duration, it was limited to the same period as that which had just passed their Lordships' House. These being the principal provisions of the measure he would not trouble the House any further; but begged to conclude by moving that it be now read a second time.

The Earl of *Wicklow* said, that there was no one sentence of the noble Earl's speech which he heard with so much pain as that the duration of this measure would be limited to the same period as that which had just passed their Lordships' House. He did not think the noble Earl could confer a greater benefit upon the country than by making that Bill permanent. He had hoped that the noble Earl would have consulted the Law-officers of the Crown in Ireland, as to the propriety of extending the duration of the Bill. He trusted, however, that he would consider his suggestion, otherwise he (the Earl of

*Wicklow*) would move in the Committee that its duration should be extended to five years.

Earl *Grey* entertained little doubt that it might be advantageously extended for a longer period, although at present he thought it would be better to limit its duration to the period he had named, and to bring it under the consideration of the House next Session, by which time they would have the experience of its operation.

Lord *Ellenborough* did not rise to offer any opinion upon the duration of the Bill, but merely to offer an observation on a point that appeared to be agreed to by both sides of the House. Both sides seemed to wish that this restrictive measure should be removed as soon as the necessity for its existence should cease. Upon this point he begged to call the attention of the House to the observations of a man who was generally considered as one of the wisest of men. He meant Lord Bacon, who said; 'and certain it is, that nothing destroyeth authority so much as the unequal and untimely interchange of power pressed too far, and relaxed too much.' He firmly believed, that as much injury was done to Ireland by taking off coercive measures too soon, as by imposing them too late. That country had been reduced to its present state by the policy or weakness on the part of successive Governments, a weakness excusable perhaps, as it arose from a desire not to alter the forms of the Constitution without an urgent necessity, and to return to it as soon as the necessity which justified the departure had ceased. He traced, in the conduct of all previous Governments, and he saw in the conduct of the present Ministers, on this occasion, this fatal consequence, that Ireland had been, and he feared would still be, placed in a state of alternation between permitted and unpunished lawlessness, and crime punished severely and unexpectedly. When such was the course of the Legislature, it tended much to destroy the respect that should be entertained for the laws, by giving to them the character of vindictiveness; and the people were consequently instigated to look upon their violation as no crime, and instigated to do what they pleased when an opportunity was afforded them. He was satisfied that this view of the case was correct, and that much of the lawlessness that existed in Ireland, and much of the demoralization in that country, flowed from this

cause—that the course of justice was not equal—that lawlessness was permitted for a length of time; and when, at last, it was punished, it was punished with a severity which appeared to the criminals without justification, when they reflected upon their previous impunity.

Lord *Wynford* was of opinion that it would be highly beneficial if a permanent measure was introduced into England and Ireland, giving the power to Judges to change the *venue* to the adjoining county, in any case they thought fit. Some means ought also to be adopted, in order to prevent the public money from being wasted in the shape of costs of witnesses, &c. Witnesses were very fond of jaunts; and the notion of going to Dublin, might be a great inducement to many to come forward. When witnesses were brought from a great distance—from Cork to Dublin, for instance—the expense was very great. At the same time, every opportunity should be given to prisoners to prove their innocence, and they should have all facilities of bringing witnesses, &c., but the public should not be imposed on.

Earl *Grey* said, there was already a clause in the Bill which secured to the prisoner the fullest opportunity of bringing forward his witnesses, and at the same time allowed all reasonable expenses. Although he did not wish at present to extend the duration of the Bill, it was merely because he was desirous that time should be given for consideration, and that they might have some experience of its operation.

The *Lord Chancellor* saw no objection to making a small part of the Bill permanent, that, namely, which changed the *venue* to the adjoining county. He fully concurred in the observations that had been made by the noble Baron respecting the evils that resulted from frequent changes in those laws which involve the dearest interests of the country. Undoubtedly all sudden relaxations on the one hand, and strict, rigorous provisions on the other, were equally to be avoided. But the present Bill, from its very outset and origin, proceeded on the fact that the absolute necessity of the case compelled its enactment. It should, therefore, be as short in its existence as was consistent with that necessity. When the moment should arrive that it would be possible to rescind it, the whole country would feel pleasure, but to none would its repeal be more gratifying than to his Majesty's Ministers, who on their responsibility had introduced the measure,

though not until forced by a painful, sad, and afflicting necessity. No one acquainted with the opinions and principles which they had maintained individually, as well as a body, and which it had been their pride to advocate, could doubt that they were most averse to the present Bill—most afflicted by the necessity that demanded it, and that they were anxious the day should arrive when that necessity would no longer exist. As to the duration of the Bill, that must be the subject of discussion in the next Session of Parliament.

Bill read a second time.

## HOUSE OF COMMONS,

Friday, February 22, 1833.

MINUTES.] Papers ordered. On the Motion of Mr. SPRING RICE, Amount of the Imports and Exports of Sugar, Coffee, Rum, Cocoa, &c.—On the Motion of Mr. HUME, Returns elucidating the Navy Estimates.

Petitions presented. By Captain BROOKE, from Salisbury by Mr. SHAW, from Balbriggan, Hampstead, Harrowgate, and from a Scotch Congregation in Dublin,—for the Better Observance of the Sabbath.—By Mr. FITZSIMON, from Limonaghan, against Tithes.—By Sir T. B. LENNARD from Romford, for the Abolition of Slavery.

DUTIES ON SOAP.] Mr. O'Connell presented a Petition from the Corporation of Chandlers and Soapboilers of the City of Dublin, complaining of the effect of the present state of the Drawbacks in England. Their trade, in consequence of the Duty on Soap in England, being paid back on exportation was almost annihilated. They prayed that some measure might be introduced for the purpose of giving them relief, and for that purpose they suggested that the Tax on Soap should be entirely repealed.

Lord *Althorp* said, it was undoubtedly true that at present the Irish soap-boilers were much injured by the state of the drawbacks. There were three modes in which that evil could be remedied. The first was, by an alteration of the drawbacks; the second, that suggested by the hon. and learned Gentleman of taking off the duty altogether; the third, to take off half the tax in England, and lay it on in Ireland. He hoped soon to bring forward a measure which would remedy the grievance complained of.

Mr. *Lalor* said, it would be much better for the noble Lord to repeal the tax in England, than lay it on in Ireland.

Mr. *Ruthven* said, the question was not quite understood. What the Irish soap-boilers particularly complained of was, that



the drawback was not given on duty actually paid, but on duty to be hereafter paid. The soap-boiler in England actually received the drawback some months before he paid the duty, and thus was enabled to undersell the Irish manufacturer by trading on capital lent by the Government, for which he paid no interest.

Sir *Francis Burdett* observed, that the Irish in general, the consumers, got their soap cheaper by the present system, although a change might be advantageous to the manufacturers. If any body suffered by the present state of the law, it was the English.

Mr. *O'Connell* allowed that the consumers did certainly get it a little cheaper at present, but then it was through the medium of a gross fraud on the revenue, by the perversion of public money to private speculation, and by the ruin of the Irish manufacturer. Whatever alteration the noble Lord might introduce, he hoped it would be for the abolition of the Excise-duty. His constituents were decidedly against allowing Excise-officers to come into their premises at all; and he trusted that they would be chased from every manufacturer's door; their appearance checked industry, and the ingenuity of the country.

Petition laid on the Table.

#### COERCIVE MEASURES FOR IRELAND.]

Mr. *O'Connell* presented a Petition from William Blaxland of Leamington, praying the House not to pass any Bill by which arbitrary, military, or despotic power might be established in any part of these realms. For the present he should merely say, that during the last few days he had been consoled by receiving an immense number of letters from all parts of Great Britain, expressive of sympathy for his countrymen, and of unqualified disgust at any attempt to establish a military tyranny in Ireland.

Mr. *Stanley* said, the hon. and learned Member had stated but one-half of the petition. In justice to the House, he ought to have read the latter part, which asked for the repeal of all enactments by which any payments were made "under the pretence of supporting Christianity."

Mr. *O'Connell* said, his only reason for not reading the part alluded to was, that petitions had been so frequently presented to the House upon the subject that he thought it was unnecessary. For his own part, it was well known that he heartily

concurred in such a prayer—that it was the very principle of his political life. The existence of the Catholic Church proved there was no necessity for resorting to such unworthy means, for it supported more bishops, vicars, and parish priests than did the Protestant Church, without one farthing wrung from the people by the compulsion of the law; thus vindicating itself to all, and disdaining those practices which extorted money under the pretence of encouraging religion; but in reality, to support aristocrats and their relatives.

Petition to be laid on the Table.

ASSESSED TAXES.] Mr. *Goring* presented a petition from the inhabitants of the town of Worthing, for the abolishing of the Inhabited House-duty and Window-taxes. He begged to observe, that he heartily concurred in the prayer of the petition, which was numerously signed by respectable housekeepers. He stated that he sincerely hoped his Majesty's Ministers would repeal those duties which pressed so heavily upon the middle class, and which were levied and collected most inequitably. If his Majesty's Ministers wished to retain the confidence of the country, they must adopt and continue alone such taxes as were founded on just and impartial principles. He had no wish to embarrass his Majesty's Ministers, but he thought they must be prepared to repeal these duties. When he found, that the right hon. Secretary at War had, so long ago as 1822, advocated the immediate repeal of these taxes, and had, in a most eloquent speech, proved these always to have been considered as war taxes, not only by Mr. Fox and Mr. Wyndham, but also by Mr. Pitt, and when he found the right hon. Secretary at War, saying in that speech—"I have before told you to what amount I think we have a right to diminished taxation. If you have no surplus, reduce your expenditure. That there are means of so doing, no one can doubt, but the particular mode need not be shown by me, or by any one; that onus lies upon you. You have no right to your large establishments—it is ridiculous to call them necessary—they cannot be necessary if the people cannot afford to pay for them." The hon. Member said, that the distressed people of England called upon the right hon. Secretary to enforce those opinions, and he trusted that his right hon. col-

leagues would bend to his powerful eloquence.

Sir *Charles Burrell* was satisfied, that the House-tax was very unfairly levied, and was very unequal in its operation. He did not, however, go to the full extent of the prayer of this petition, because he was aware that, at the present moment, all classes were calling for the repeal of taxes which pressed peculiarly upon them; and it was impossible for Government to yield to all those demands. It must rest, therefore, with the Government, to consider what taxes should be taken off. Since he had had the honour of a seat in Parliament, he had known many taxes repealed, which had not benefited the public. That was the case with respect to the repeal of the Leather-tax. The only persons who had profited by the repeal of that tax were the leather-sellers and curriers; whilst the poor, who were told that they would get their shoes cheaper, did not pay one farthing less for them than before. The House should consider the subject dispassionately, and repeal those taxes which pressed most heavily on the best interests of the country.

Petition laid on the Table.

**SUPPRESSION OF DISTURBANCES (IRELAND)].** A message from the Lords brought down the Suppression of Disturbance (Ireland) Bill.

Lord *Althorp* said, that he had intended, according to the usual course of proceeding, to have moved that the Bill should be read a first time, upon its being brought from the other House; but, as several Members had expressed a wish that the Bill should be printed before it passed through any of its stages; he felt it necessary to comply with that wish, and he would, therefore, now move that it be printed, and that the first reading be taken on Wednesday next.

Mr. *Henry Grattan* said, that without wishing to enter into any debate, he would enter his protest against the Bill.

Mr. *Hume* wished to know, when the House might expect the remedial measures which the Government had promised. He hoped that the House would not pass the present Bill, until the others were passed, or, at least, until they were satisfied that they would pass, lest they should render themselves liable to be charged with passing only the coercive measure. The experience of last year was not lost upon him. The Government then told the House that remedial measures should be

passed along with the coercive measure. The latter was passed, but the House never saw the others.

Lord *Althorp* said, that a bill which he intended as a remedial measure—namely, that for getting rid of the collection of tithes under the former system, was passed during the last Session. If Gentlemen chose to put a different interpretation on what Ministers said, from that which they intended it to bear, that was not the fault of Ministers. The Report of the Tithe Committee, if it had been examined, would have shown what was the nature of the remedial measure which the Government intended to propose upon that occasion. With respect to the remedial measures at present in contemplation, he had stated, a day or two ago, that he hoped to be able to introduce the Bill for Church Reform by the end of next week, and the Bill for amending the Grand Jury system by the middle of the week. It was for the House to decide, whether they had sufficient confidence in Ministers to believe that they were in earnest, when they said they would carry through the remedial measures.

Mr. *O'Connell* said, the Members of that House might be disposed to place the fullest confidence in the intention of Ministers, and to believe that they had the power of carrying their remedial measures through that House; but Ministers would not insinuate that they could control another assembly. Could it be said, that in another place, any measure advantageous to Ireland was certain of passing? Anything disadvantageous to her, was, he knew, sure to pass—any measure springing from malignant hatred of that country. No more on that point. He understood from the noble Lord a few nights since, that he expected to have been able to introduce the Grand Jury Bill during the week.

Lord *Althorp*: I said next week.

Mr. *O'Connell* said, he understood the noble Lord differently, but no matter: he rose on the present occasion, principally for the purpose of apologizing to his constituents, for permitting one vote respecting this despotic Bill to pass without discussing it; but as the noble Lord had complied with the suggestion of many persons opposed to the measure, by postponing the first reading till Wednesday, he would abstain from entering into any debate respecting it, contenting himself



with giving notice, that he would move a call of the House for Wednesday, and would repeat the call whenever he thought he perceived any relaxation of its effect as long as the Bill was before the House. Once more he must apologize to his constituents, for allowing the Bill to be mentioned in the House, without raising his voice against it. The phrase, "the madness of slavery" was cheered once in that House. He felt the madness of slavery coming over him then. He would proceed no further.

Mr. *Stanley* said, that the hon. and learned Member had made one observation, by which he appeared necessarily to connect two measures, which had no connexion with each other. Undoubtedly, Ministers had declared—and if some parties had given them more confidence for their good intentions, and would wait with a little more patience, to see whether they would perform their promises, instead of exciting violent opposition, before they knew what the conduct of Government was likely to be, it might have tended more to the peace of Ireland undoubtedly, Ministers had held forth an expectation that it was then their intention, acting on the principles which they had always professed, and he would venture to say, on which they had already acted, to direct their attention to the remedy of the real and acknowledged grievances of Ireland. So anxious had they been to prove to the House and the country that they were not putting forth mere professions, that they had taken the earliest possible opportunity, after the opening of the Session, to declare the measures which it was their intention to propose to Parliament. Those measures had been acknowledged by the reluctant consent of the hon. and learned Gentleman himself, which he now vainly attempted to retract, to be real and substantial measures of relief and remedies for abuses. At the same time that Ministers announced these measures they applied to Parliament for another measure—which they had late asked for, and reluctantly resorted to—when it was imperiously called for, not for the maintenance of the present Administration, but for the maintenance of any Administration, and which, he declared to God, he would not have asked for, sitting on the benches where he did, if he would not have voted for, sitting on those opposed to him. If any Administration, let it have been formed

of what party it might, had, in the present state of Ireland, proposed the measure which it was his painful duty to have recommended, in office or out of office, he would equally have supported that measure, which he held to be not of a coercive but of a protective nature. But, although it was right that the House and the country should know what remedial measures it was proposed should accompany the restrictive but necessary measures, it was not necessary that the two sets of measures should move *pari passu*, side by side through both Houses of Parliament. The hon. and learned Member said, that the Government could not carry measures for the benefit of Ireland through the other House. Speaking in the name of the Cabinet, he said, that the Government was pledged to carry those measures through. If they could not carry the remedial as well as the painful and coercive measures, they were no longer a Government—they could not continue to sit on those benches. He said that if they were unable to carry their measures through, they were not only unable to exercise, but unworthy of exercising, the functions of a Government; and he should deem himself disgraced by continuing to hold the situation which he filled under such an Administration. Government, therefore, was pledged to this—that both the remedial and the coercive measures should pass. They were bound by their character—they were bound by their situations—they were bound by their honour as gentlemen—to carry them through; and, if they failed in doing so, they could not continue to hold their situations—they could not call upon the House to place confidence in them. That was the line of policy which Government meant to pursue; but he could not stop to inquire whether this measure or that measure should be passed first or last—it was sufficient to state, that if they could not carry everything they proposed, they were no longer the Government of the country. The two sets of measures were independent of each other, but the rejection of either would equally establish this fact, that the Administration did not possess the confidence of the two Houses of Parliament, and therefore, could not continue to conduct the affairs of the country.

Dr. *Baldwin*: The right hon. Gentleman said, that he would not continue to be a Minister of the Crown unless he could carry his coercive measures. But he

thought the right hon. Gentleman was not worthy to be a Minister if he attempted to carry them. No Minister was worthy of the confidence of Parliament, or the support of the Crown, who should endeavour to deprive the Irish people of their rights and privileges. The coercive measures would encounter from him, and other Irish Members representing popular constituencies, the utmost possible opposition: He charged the right hon. Secretary openly, in the face of the House and the country, with having, in the remedial measures which were about to be introduced, "kept the word of promise to the ear" of Ireland, and broken it to her hope. The remedial measures would be perfectly nugatory if accompanied with the coercive measures. He could assure Ministers, that these coercive measures would do more to dissolve the ties which bound Ireland to England than anything else could possibly do. The Irish people possessed a spirit which would not bow down to tyranny. If the right hon. Secretary wished to maintain the Union, let him treat the Irish people as he would treat the people of England. Before it was too late he called upon the Government to retrace their steps.

Mr. *Philip Howard* observed, that the right hon. Gentleman had not said the Government had declared that they should not call themselves a Government if they could not carry both the remedial and coercive measures, but that it would not continue to conduct the affairs of the country. The Government was now passing through Parliament remedial measures; and, if Gentlemen would attack the Government, let them do so on correct premises.

Mr. *Sheil* said, that the right hon. Gentleman had laid down the proposition which could not be disputed, that no Government could call itself a Government without being able to carry remedial, as well as coercive measures. He thought that they ought to be certain that the remedial measures introduced into that House would be carried elsewhere. He agreed with the proposition of the right hon. Gentleman; and if that were so, he should like to know what had become of that portion of the remedial measures for Ireland to which the Government were pledged that it should be passed through that House? He meant the law by which the system of calling Juries in Ireland was

to be made the same as that of England. The intention to pass that measure had been announced here by the Chancellor of the Exchequer, who, when interrogated on the subject, said that the Government were pledged upon it. Where was that Bill? Had that pledge been fulfilled? Was it a remedial measure? If so, was that measure now carried into effect? If it was not carried into effect, why had it been relinquished? What had become of the Committee? Had the Government in this respect fulfilled their pledge, or acted in a manner to correspond with the general principle laid down so eloquently by the right hon. Gentleman, and which no one had attempted, and no one would attempt, to controvert. He, for one, admitted that principle, and he asked where was the remedy?

Lord *Althorp*: I need hardly say, that I admit having given the pledge referred to; nor do I take credit for making the admission, for many of the Gentlemen now around me must, of course, perfectly recollect that I did give such a pledge. I hope the House will believe me when I say, that I gave it with the most perfect sincerity—and, I will add, that I gave it with the most perfect confidence that it would be redeemed. The Bill which the hon. and learned Member refers to was not carried through the other House of Parliament, because it was so late in the Session that it could not be passed before the Prorogation. I had expected that it would have been got through before the end of the Session. I am ready to say, now that my pledge was not redeemed, and, further, that I am bound to see it redeemed, by bringing forward at an early period, a measure respecting Juries. I do not consider, from the circumstances under which that pledge was not redeemed, that I was so compromised as to make it impossible for me to remain a member of the Government. On that point I may be wrong, but I do not think I am; and I trust that the House will think me right.

Mr. *O'Connell* explained, that it was erroneously supposed that he had said his opposition to the present Bill would depend in a great measure on the success of what he called remedial measures. Although he had spoken on both of these measures, he had been mistaken when it was supposed that his hostility to this measure would, on any pretence whatever,



be mitigated. He thought it necessary to make that explanation, because he found that he could not act on the impulse of his feelings, and praise, when he saw them acting right, those whom he thought to be the enemies, without having that praise thrown in his teeth, and being taunted with inconsistency for it.

Mr. *Stanley* had only said, that he understood the hon. and learned Member's chief reason for opposing this measure at this time to be, that he saw no certainty that the other measures—those of a remedial nature—would pass with it.

Mr. *O'Connell* said, that was just the mistake of which he complained. He had certainly said, that he saw nothing to assure him that the measures of a remedial nature would pass; but he had said it without any reference whatever to the present Bill.

Mr. *Finn* was satisfied of this, that no measure of a remedial nature would be received with gratitude in Ireland, if it was passed in conjunction with a measure of this kind. The people of Ireland prized liberty too highly to accept anything as a substitute for it. Their condition might be improved; but if they were fed upon beef and mutton, but deprived of liberty, they would not be satisfied.

Mr. *Fergus O'Connor* said, that notwithstanding the indiscretion of the right hon. Gentleman, the Irish Members would abstain from comment; but he would tell that right hon. Gentleman, that with respect to Ireland, the memorable words of the Paymaster of the Forces were exactly true, and that "the whisper of a faction would never prevail against the voice of the nation."

Bill ordered to be printed, and House to be called over on Wednesday.

MEMBERS HOLDING OFFICE.] Mr. *Hume* moved for the appointment of a Committee, to examine into the number of Members of both Houses of Parliament who hold offices under the Crown, and who are removable at pleasure. He should take that opportunity of saying, that in his opinion such persons ought not to be Members of either House of Parliament. Indeed, he should go further, though he well knew how much his sentiments on that point were at variance with those of other men, that neither Officers in the Army nor Navy ought to have seats in that House. He knew how his opinion

would be received; for he recollected that, when he had stated it before, it was considered as very extraordinary. He could tell hon. Gentlemen who dissented from him on this point, that, in most of these majorities which supported measures that he had contended were prejudicial to the interests of the public at large, were to be found persons of the class he mentioned. To show to what extent that sort of Government influence was carried, he would only mention, that in 1714 there were in Parliament 271 persons who held offices under the Crown; in 1727 the number was 257; and in 1822 the number was 148. He hoped that the number would be still further reduced.

Lord *Althorp* had no objection to the appointment of the Committee. He only suggested that it should be an instruction to the Committee to report on the number that had sat in Parliament in several antecedent periods.

An *Hon. Member* said, the people of England had a right to exercise their privilege of judging for themselves, and without the dictation of the hon. Member, as to what men were fit to represent them. In consequence of a portion of the people having exercised their privilege in favour of him, he thought that he had as good a right as the hon. member for Middlesex to a seat in that House. As one of the two classes of men whom the hon. member for Middlesex had thought fit to calumniate, he thought he had a right to say, in his own defence, that he should do his duty as honestly as the hon. Member himself. Officers in the army and navy would not have been sent into Parliament, unless the people had confidence in them; and if the people had that confidence in them, they had a full right to their seats. At all events, if the title to sit in that House was to be put upon other grounds, those men who had served their country against the enemy had just as good a right to a seat as the hon. member for Middlesex, or any one who went about to catch the favouring breath of popularity.

Mr. *Hume* added to his Motion the words suggested by the noble Lord, and then said that he had not calumniated any man. He was in a different situation from the hon. Member. The King could not strike him out of the list of officers as the King could strike out the hon. Member, and consequently, the hon. and

gallant Member was to that extent a dependent man. He was a dependent man, as far as he held a Commission under the Crown, which could be taken from him at the pleasure of the Crown. He could show hon. Members a printed list now on the Table of 1,000 men who had been struck out of the list of commissioned officers, no reason given, and who could get no redress. There was, not many years ago, an instance of a gallant Officer who had served his country well, but who was struck off at the pleasure of the Crown, and who had sought in vain, even in that House for redress. He could not but watch with jealousy those men whom he generally found voting in one manner. The hon. Member had talked of catching popularity. He despised popularity. Yes, he despised it in the sense the hon. Member meant. He did not ask it for an unworthy object—he courted it by doing good acts, and if the hon. Member directed the accusation against him, he could only say that it was perfectly inapplicable. He had resisted the popular voice when he thought it to be wrong, and he would give the hon. Member an example. When the Ministers truckled to the popular cry about the Truck Bill, he had resisted it; and what was the result? Why, that he was burnt in effigy throughout the country.

Captain *Berkeley* said, that if there was not in this age a fashion to throw imputations on officers of his Majesty's service, he might feel indignant at the observations which had fallen from the hon. member for Middlesex. He had the honour to hold a commission in the navy, and he thought that the hon. member for Middlesex did not know what the word "honour" meant, if he thought that an officer, for the sake of his paltry half-pay, would sell the interests of his constituents. He would tell the hon. member for Middlesex, that every officer of the army and navy threw back upon him his imputations. Men who thus accused others, did but judge of others by themselves, and he believed that if the hon. Member was placed in the situation of those men whom he now calumniated, he would act as he accused them of acting.

An *Hon. and Gallant Member* said, that he had the honour to hold a commission in his Majesty's service for forty years. He was now returned to that House by a large constituency. He thought that if

all the allegations of the hon. member for Middlesex were just, officers could not be fit to represent the people. The hon. Member ought to have tried the officers of the army and navy longer than he had, before he made such sweeping imputations against them. Because, the other night, they had voted for their brothers in arms, to save them a poor pittance which had been earned by hard services, they were now arraigned before that House. He asserted, without fear of contradiction, that they would do their duty to their constituents as honestly and honourably as the hon. Member himself.

Sir *Edward Codrington* should not condescend to answer the supposition of the hon. member for Middlesex, that he should, individually, be biassed by the motives to which the hon. Member had referred. He rose to protest against the doctrine, that the officers of the Army or Navy were necessarily subservient to the Government. He did not look on his half-pay as a retaining fee, but as a reward for past services. He was ready to meet the question, whether that was so or not, either upon common principle or on the decision of the twelve Judges. That question had, in fact, been decided in 1793, when the Duke of St. Alban's, then a Lieutenant in the Navy, had his right to his half-pay brought into question, because he did not offer himself for service. On that occasion the twelve Judges decided that half-pay was a reward for past, and not a retaining fee for future services; and they took a distinction between the army and the navy in that respect, as a man in the Navy could not have his half-pay until after active service, but he might have it without service in the army. It was, however, known that officers in the army often sold their half-pay; and who bought it? Why, the Government. Would the Government buy that, if it was a retaining fee for future services?—Certainly not. How, then, could the hon. member for Middlesex think that all the officers were subservient to Government on account of that which they had a right to for past services?

Mr. *Phillp Howard* said, it would be easy for the hon. member for Middlesex to show instances of officers being arbitrarily struck off the list of commissioned officers during the earlier period of the American war. But in late years, that had not been done, for public opinion had prevented the re-



currence of such instances. There had been scarcely any, if any, instance of an officer being removed for purely political causes. He would take the very instance referred to by the hon. member for Middlesex—that of the gallant Officer, the member for Southwark, and that did not prove his position. It was within the recollection of the House that he was removed in consequence of a military offence which was proved against him at the time.

An *Hon. Member*, who was not a member either of the army or navy, said he could not concur with the observations of the hon. member for Middlesex. He thought that the honourable Member had thrown out imputations without probability, which were slanders against the officers of the two services and against the people of this country generally, and especially against those constituencies which had returned them.

Mr. *Roebuck* was aware that it had often been held as a constitutional principle, that the Representatives of the people should not be the servants of the Crown; but he objected to that doctrine, not because it was too liberal, but because it was not sufficiently democratic. He held that no constraint should be placed upon the choice of the people.

Mr. *Cobbett* had no difficulty in saying that he should much rather have officers of the army and navy in that House than have it filled with landowners, who pocketed so much of the people's money. He fully agreed with those Members who had said that the half-pay of the army and navy was a reward for past services, and not at all in the nature of a retaining fee; and therefore he held that there could not be an act of more grievous tyranny than to deprive any military man—be his rank what it might—of the fair reward of his laborious and hazardous servitude. He had himself, not long since, received a petition from a man in Oldham, who had served in the army for many years, and who, without any cause assigned, had been deprived of a pension earned by years of hard service. He was a man who had received three wounds—one of them at the battle of Waterloo. That petition he had forwarded to the War Office, but had not received any communication in reply.

Lord *John Russell* said, that if any of the out-pensioners of Chelsea Hospital were called upon to serve in a veteran battalion,

and refused to do so, they, according to the regulations of the service, forfeited their pensions. He certainly had received the petition to which the hon. Member had alluded, and returned it to him, with such a reply and explanation as the occasion demanded, but he had not received in return any acknowledgment of the receipt of his reply—a circumstance which he attributed to the letter having been addressed in the customary manner of addressing Members of Parliament, namely, “William Cobbett, Esq.” He had since seen an advertisement announcing that the hon. Member would not take in any letters which were addressed otherwise than to “Mr. William Cobbett,” and possibly that was the reason of the misapprehension on the subject. He fully agreed with the hon. member for Bath—and it was not often that he had the pleasure of doing so—in thinking that any limitation of the power of the people in choosing whomsoever they thought proper as their Representative, would be highly inexpedient. Several hon. Members who had spoken objected, one to this class, and the other to that, and if all who took a part in the debate had the power of excluding from Parliament the class of individuals against whom they took exception, the House would at length be reduced to very small numbers indeed.

Colonel *Torrens* was disposed generally to agree with the hon. member for Middlesex, but of late he found that hon. Member enforcing such a vigorous discipline, that he found himself under a necessity of quitting the camp. [The hon. Member immediately went over to the Ministerial side of the House].

Mr. *Hume* did not regret the departure of the gallant Officer, for, while in the camp he never found him amenable to any discipline. As to any imputations thrown out against himself, he flung them back with as much contempt, and scorn as they were flung upon him.

Motion agreed to and the Committee appointed.

UNSTAMPED PUBLICATIONS.] Mr. *Hume*, in moving for the number of prosecutions for cheap publications which had taken place since August last, expressed his regret that these prosecutions had been more numerous under a Whig Administration than under a Tory Government. When he last brought

this subject under the notice of the House, he stated that Mr. Hetherington, who was confined in Coldbath-fields Prison, and treated worse than a felon, had been convicted under the 60th of George 3rd, one of the Six Acts. This statement which he had since ascertained to be correct, was denied at the time by the Attorney General, who said that Hetherington had been convicted for an offence against the Stamp Acts. He wished the Attorney General would give the House some explanation on this head; and he also desired to know from the noble Lord (Lord Althorp) whether he intended to move for the repeal of this Act in the course of the present Session.

The *Attorney General* said, in stating what he did on the occasion alluded to by his hon. friend he had led the House into no mistake. It was true, that one part of the 60th George 3rd related to political offences: but there was another part which steered clear of all political matters, and was merely fiscal. It was under this latter part that Hetherington was convicted, his offence being his having published a newspaper without paying the stamp-duties required by law.

Mr. *Cobbett* said, he was the innocent cause of the passing of the Act referred to; and he would ask the Ministers whether, as it had been found to fail, it would not be well to repeal it? So long as that Act remained on the Statute-book, so long there would exist a proof of their political tergiversation; and the sooner they got rid of it, the sooner they were likely to recover some part of their almost totally lost popularity.

Lord *Althorp* said, that the Act 60 Geo. 3rd referred to many matters, and he thought it would be impossible to repeal it entirely. Part might be retained, and part ought to be repealed, but at the present moment he could not say, that he would make any proposition on the subject during the present Session. With respect to the prosecutions of which the hon. member for Middlesex had complained, he begged to state, that Government was not responsible for them. They were instituted by common informers.

Mr. *Charles Buller* must hold the Government responsible for the prosecutions which were carried on under laws, that they might, if they would, repeal.

Lord *Althorp* replied, that it was a mistake to suppose, that all those prosecutions

had been instituted under the 60th Geo. 3rd.

Mr. *Alderman Wood* observed, that the Government could not prevent those prosecutions, and he believed, that it gave no encouragement to them.

Motion agreed to.

#### THE MERCHANT TAILORS' COMPANY.]

Mr. *Attwood* rose for the purpose of moving, that the order for referring the petition of R. H. Franks to the Committee on Municipal Corporations be discharged. He certainly was astonished to find that there was any hesitation upon the subject. It appeared to him quite clear, that the Committee on Municipal Corporations could not deal with the petition, and therefore it ought not to be referred to it. It had been attempted to maintain, that the trading Corporations of the city of London were Municipal Corporations. How was that possible? Could there be two Municipal Corporations in one town? Most assuredly not. Such a thing was never heard of; and yet in this case there must not only be two, but a great many more. The absurdity was too evident to receive the countenance of that House. A question had been raised as to whether the trading Corporations of London were really traders—as to whether they traded upon joint stocks or at all—or whether they were even formed for the purposes of trade. He contended, that they were in the strictest sense of the word trading Corporations. The Merchant Tailors' Company, like the Apothecaries' Company, trafficked with individual property, for the benefit of the persons to whom the property belonged. But the best way of deciding that point would be by reference to the charters by which they existed, and wherein the purposes for which they were created were set forth. Upon a reference to the last charter to the Merchant Tailors' Corporation, it would be seen, that it was strictly a trading Corporation. That charter was granted by Henry 5th. It contained the following passage:—‘And, moreover, as we have been informed, that the men of the ‘Mistery aforesaid, in our city aforesaid, or at least the sounder part ‘of them, have, from time whereof the ‘memory of man is not to the contrary, and daily do use, occupy, and exercise, in all quarters and kingdoms of the ‘world, all and every kinds of merchan-



'dizes, to the renown, honour, and benefit of our kingdom and subjects, and the great advantage of us and our progenitors, formerly Kings of England; and that the same men of the said Mistery have, during the whole time aforesaid, used, occupied, and exercised the buying and selling of all and every wares and merchandizes whatsoever, and especially woollen-cloths, as well wholesale as retail, throughout our whole realm of England, and particularly within our city aforesaid, and the suburbs thereof—we, of our especial grace, and of our certain knowledge, and meer motion, have transferred and changed, and do transfer and change, the said guild or fraternity into the name of the guild of Merchant Taylors, of the fraternity of St. John the Baptist, in the City of London.' That was the origin of this Corporation, and its charter was still the same. He begged leave to tell hon. Gentlemen, that the Company continued to exercise the callings and mysteries described in the charter. It had been asked, did this Corporation trade at present, and how many of the Corporations of London did carry on a trade, and all had a right peculiarly to do so. The Stationers' Corporation, the Goldsmiths' Corporation, and others of the trading Corporations, traded upon a joint-stock. Others of the Corporations traded upon a number of stocks, each trader being subject to the general rules of the Corporation to which he belonged. Such was the origin, and such the present character, of these Corporations, and therefore he contended that it would be monstrous to pretend to consider them as Municipal. He knew that many of the members of these Corporations had never been traders. That was beyond doubt. Such had been the fact from the very commencement of these Corporations. From the earliest periods it had been the custom to admit into them, as honorary members, the most eminent public characters. The Plantagenets, and the Tudors were found enrolled in the City Companies. Hotspur was a member of the Corporation of Merchant Tailors, even as the Duke of Wellington now was. Neither of these great men ever worked with the shears or the needle; the Duke of Wellington did not handle the goose, but the Corporation was nevertheless essentially a trading one. It had ever been the pride of that Corporation to number among its members

the most illustrious members of the community. That the Merchant Tailors' Corporation was a trading body was beyond doubt. They formed the rules for carrying on the trade in the article with which they were most intimately concerned; and he might mention, as a further proof, that the officer of the Corporation regularly attended the Cloth or Bartholomew Fair at Smithfield, and with a silver yard measured the yards of the cloth-merchants, to see that they agreed with the standard. It had been said, that the members of the Corporation of Merchant Tailors, enjoyed municipal rights. They did not as members of that Corporation, but as members of the Municipal Corporation. The two things were quite distinct. With respect to the right of voting for Members of Parliament, that did not exist under the present law; nor did it exist under the charters of the trading Corporations. Long after the formation of the trading Corporations, the Municipal Corporation had made an order that it would admit none to vote for Members of Parliament, who were not members of some one of the trading Corporations. Surely, then, if it was intended, that that circumstance gave to the House a right to inquire into all the affairs of these Corporations, the present law must give a right of inquiry into the affairs of all the 102 householders. Look at the effect of such reasoning. Under the present law, persons living in chambers in Inns of Court, within the limits of the City of London, had a right of voting for Members of Parliament for London. Now no person could occupy those chambers without the permission of the Corporation under whose rule they were. Were then those Corporations Municipal Corporations? Such they must be if the reasoning with respect to the trading Corporations was good, and the House would do well to consider the dangerous consequence such a course of proceedings would lead to. He then came to the effect of the order he proposed the House should discharge. He contended, that the application was one which ought not to be countenanced by that House. The petitioner had already made a similar application to the Court of King's Bench, and that Court had dismissed the application with costs. It had decided that the petitioner had no legal right to require to be permitted to inspect the charters and the documents of the Corporation. He there-

fore put it to the House to say, whether it would enable the petitioner to do that which the law had emphatically said, he had no right to do, whether the House would lend its authority to enable an individual to do that through its assistance which was contrary to a deliberate decision in law? He thought the House could not lend itself to any such course, and therefore he would not dwell longer on that part of the subject. He must assure the hon. and learned member for Hull (Mr. Hill), that when the question was before under discussion he had meant to him nothing personal. He had understood, that the hon. and learned Member had acted as counsel to the petitioner, and he still believed such to have been the fact. He had complained, that the hon. and learned Member looked at the matter as affecting his client, and not as affecting a great question. He begged also to say, that he believed the hon. and learned Member considered that he had given him (Mr. Attwood) notice of his intention to oppose the petition the Motion related to; but, he must say, that he had not so understood the hon. and learned Member. He objected, then, to the reference of this petition respecting a trading Corporation to a Committee appointed, especially to inquire respecting Municipal Corporations. But he objected as much, if not more, upon general principles, as he did out of consideration to the rights and privileges of the Merchant Tailors' Corporation. Indeed he doubted much the power of that House to demand the inspection of that which the law had declared should be sacred. The trading Corporations of London held their privileges and rights from a higher tribunal than the House of Commons. They held them under the authority, and under the protection of the law of the land, and nothing short of an Act of Parliament could enforce the surrender of them. And he would recommend to the House to consider well before it attempted to countenance a proceeding which the law had expressly forbidden, for it might be found that there were Members of these trading Corporations who would maintain their rights in spite of the interference of that House. Indeed he lamented much to see that House so hastily entering upon subjects of the utmost importance for the purpose of change, if not of destruction. That House was itself but

an experiment, and an experiment be it remembered, the effect of which was still uncertain and doubtful. He certainly thought, that under the circumstances the Government would have acted still more wisely if, instead of mooted highly important questions, which to be dealt well with should be dealt with deliberately, it had directed the attention of the House to that for which it was expressly summoned, the despatch of pressing public business. For Church Reform so much anxiety had been expressed, that the Government were compelled to take it up; but with respect to the projected inquiry into the Municipal Corporations, with a view to their alteration, if not abrogation, it was altogether unnecessary. For the conduct of the Government he could conceive but one reason, and that was its desire to perpetuate agitation. That was the secret spring of the whole of the proceeding of Government; and if such conduct was to be countenanced, it was not merely the Municipal and Trading Corporations of the country, that would be overthrown, but the whole fabric of our civil and social society would be shaken, if not destroyed. He moved, that the order of Monday last for referring the petition of R. H. Franks to the Committee on Municipal Corporations be discharged.

Lord Althorp said, that the hon. Member concluded his speech by adverting to the mode in which the business of that House was conducted. It was for this reason that he rose to make a few observations in reply. The hon. Member was certainly mistaken, if he thought that any propositions could be allowed to interfere with the regular business of the Session. The business of the House should be conducted with the strictest regularity, and nothing would be allowed to interfere with it. The hon. Gentleman had also said, that the House was an experiment. So it was, and a very successful and satisfactory experiment. It was the result of the elections under the Reform Bill; and the country had, as yet, every reason to be satisfied with its composition. Every party had reason to be satisfied; and the sad predictions uttered by the hon. Gentleman, during the gloomy discussions of last year, on the Reform Bill, would, he felt confident, prove completely fallacious. As the party that made those woe-ful forebodings said, that they should rejoice if they failed in their prophecies,



they ought now to rejoice, for they had failed. Not only ought that party to rejoice, but feel satisfied, and have confidence in that Parliament for the future. In proposing large measures of Reform, the Government would adhere to the institutions of the country. The only thing that that Parliament could be guilty of would be, deceiving the expectations of the people. It would not deceive those expectations, for it was composed of the real Representatives of the people, and would refer for its acts to the good sense of that people whom it now fully represented. With respect to the view the hon. Member took of the order to refer the petition under debate to the Committee on Municipal Corporations, he thought that the hon. Member was not exactly correct. The Committee was to inquire into the defects of the Corporations of England and Wales, and to report thereon. It was to look into and to ascertain those defects, and in order to do so, every company, and (to use the expression) every subordinate company connected, as they must be, with Municipal Corporations, should come under the cognizance of the Committee. With respect to the question whether a trading company was to be considered as connected with the constitution of a corporation, he thought that it certainly was. Let the Corporation of London be taken as an instance. To become a liveryman, it was necessary to belong to one of those trading companies, and, without being a liveryman, one could not be said to possess the privileges that being a part of the constitution of the Corporation of London gave. The Committee, undoubtedly, had no right to interfere with what it deemed did not affect Municipal Corporations, and would not do so. Yet, if the order of reference with respect to the present petition should be rescinded, that would amount almost to a declaration, that the Committee had no right to examine into those trading companies. As he was of opinion that the Committee possessed the right, he felt it his duty to object to the present Motion.

Mr. *Hill* denied, that he had been the counsel of the petitioner. If he were, he would not have presented the petition; as he considered, that doing so would be derogatory to his character and station. He stood there as a legislator, and was bound to act uprightly and impartially. With respect to the application made by

the petitioner to the Court of King's Bench, he could say, that the dismissal of the application ought not to have any weight with that House. That Court had been for upwards of four centuries a consistent supporter of all Corporation abuses. As he knew that, he formerly advised the petitioner (for he had been once his counsel) not to apply to that Court, for it would be useless. Petitioner followed the advice of others, and failed in his application. The great question was, whether a Reform could be carried into Civic Corporations without investigating Civic Companies? It was clear it could not; for, to purify the stream, it was necessary to begin with the purification of the source. No one could become a freeman of London unless he belonged to one of those Companies, and to become a liveryman one must be a freeman. By 11th George 1st, in the election of the Lord Mayor, Sheriffs, and City Chamberlain, freemen had no power; but all was vested in the hands of the liverymen, who may be properly considered as the mere creatures of City Companies. Unless inquiry was made into those companies, the abuses of Municipal Corporations could not be effectually and fully detected. The Corporation of London was anxious for the assistance of Parliament to remedy its defects, therefore small companies should be also willing to accept that assistance. As to what the hon. Member said about keeping up agitation, it was the party to which the hon. Member belonged which was doing that, by objecting to ameliorations which were peremptorily called for. Not only was that party keeping up agitation, but it was heightening it, and would be the cause of making the people, in a short time, disdain the concessions they would now receive with thankfulness. The Court of Assistants had raised the dues of entry from 3s. 4d. to 3l. 15s. It was very evident why they had so great a dislike to an inquiry, when such matters were to be the subject of that inquiry. The hon. Member had spoken of this inquiry as an abstract question. He (Mr. Hill) did not entirely understand what the hon. Member meant by saying this was an abstract question. He could not conceive such a person as an abstract Lord Mayor, or an abstract member of the Merchants' Company; but if the present inquiry was to be a complete and effectual one, it should certainly have his assistance. The

first who refused to make an inquiry into Corporations was the right hon. Baronet opposite; and in doing so, he (Mr. Hill) conceived, that he had been the cause of greater calamity to the cause of liberty in this country than any man that ever existed. The great defect in those Corporations, and the cause of the evils which resulted from them was, the want of security under them. If, by the delay now wished, they meant to delay all inquiry—if, by denial, they meant to deny all inquiry—he hoped that the House would not agree to the proposition, but would agree to the Motion. He considered the opposition made to the Motion as part of the usual tactics of the party from which it emanated, and he trusted that the defeat which they would now meet with would make them more careful in future how they obtruded their antiquated ideas on the country. On these grounds he would give their proposal his humble, but hearty opposition.

Sir *Edward Knatchbull* thought, he did not claim too much credit for himself and the party with whom he acted, when he said, that they were actuated, on this and on every other occasion, by as much independence of feeling as the hon. Gentleman who spoke last. A great deal of unnecessary warmth had been imparted to this question, which he (Sir Edward Knatchbull) would not imitate. The proceedings of the Courts of Justice, for instance, he thought, had been most unnecessarily introduced. The question which had been put to the noble Lord, the Chancellor of the Exchequer, and which the House had really to consider, was one of the simplest nature—namely, whether the petition was such as came, in point of fact and substance, within the inquiry of the Committee to which it had been referred? The noble Lord, with his usual candour admitted, that the trading Companies did not come generally within the scope of the Committee's inquiries; reserving to the Committee, however, the right of inquiry into those Companies so far as they were connected with Municipal Corporations. Now, he liberated himself, and those with whom he acted, from all the unfounded observations made upon them, by admitting the accuracy and fairness of the noble Lord's view, and adopting at once his doctrine, that the Committee should have the power of inquiry into the trading Corporations, so far as those

Corporations were connected with the Municipal Corporations, but no further. He should, therefore, suggest that the hon. member for Whitehaven should not press his Motion, and he would undertake to move an amendment, which would merely state in substance what the noble Lord admitted. If the House did not agree to some such resolution, the Committee would consider that they were expected to inquire into all the affairs of the trading Companies. The hon. Baronet concluded by moving—"That it be an instruction to the Committee on Municipal Corporations to confine their attention to such parts of the condition and management of the trading Companies as refers exclusively to Municipal Rights." He thought, that if this Amendment were agreed to, both parties would give the subject their best consideration.

Mr. *Grote* hoped the noble Lord (Althorp) would not accede to the Amendment of the hon. Baronet. It would be impossible to conduct an inquiry into the condition and management of the Corporation of London with advantage, if the Committee was restrained from investigating those sectional parts of the Corporation which he considered the corporate companies might be justly designated. The hon. member for Whitehaven was certainly consistent, for he objected to inquiring into Corporations altogether, and therefore objected to an inquiry into the state of the corporate companies. Those companies had been called trading companies, but they were nothing like trading companies in the proper sense of the word. When he heard of trading companies, he should expect to find such companies referred to as the Bank of England Company, or the East-India Company, which carried on trade or commerce for the benefit of the members. The companies carried on no trade or commerce. They made laws for particular trades; and this was of the essence of Municipal Corporations. There was the Fishmongers' Company, for instance, which made and enforced certain regulations respecting the importation and sale of fish, and, he believed, last summer had exercised its authority in a manner very advantageous to the community, by preventing the sale of unwholesome fish. He did not quarrel with the exercise of such privileges, he only contended that such powers belonged properly, and were a part of the power usually belonging to Muni-



cipal Corporations. In his opinion the inquiries of the Committee would be most injuriously restricted if the Amendment of the hon. Baronet were agreed to.

Lord *Althorp* did not feel, that it would be consistent with his sense of duty to adopt the Amendment proposed by the hon. Baronet. If the Committee were to be constrained to pursue a limited course of inquiry with respect to the corporate bodies of which the Municipality of the city of London was composed, and were to be debarred from instituting any examination which they might choose into such matters as seemed to them to be relevant topics of inquiry, it would be impossible for them to do their duty properly, or in a manner that would be satisfactory to the public. In order, however, to show the disposition which prevailed in the Committee with respect to the subjects of inquiry, he would read to the House a resolution which had already been adopted by them at the only sitting which they had hitherto held, and which stated, that they considered the object chiefly to be had in view was, the improvement of the corporate bodies, and that, in order to effect this object, there was no necessity to go back into past grievances, but their principal endeavours would be confined to the inquiry into the present and existing evils and abuses in those Corporations, with a view to their exposure. Such being the only resolution to which the Committee had come, at the first and only meeting they had yet had, he would leave the House to judge from this how far they were likely to pursue the subject of their inquiries to an extent which could reasonably afford any alarm to those interested in these Corporations. He, therefore, did not think, that the House would be acting advisably in laying down any rules for the guidance of the Committee, and objected to the adoption of any such suggestion.

Mr. *Goulburn* said, that, in his opinion, the House ought distinctly to state what were to be the duties of the Committee; for although he had, when the noble Lord moved for its appointment, taken the same view of its duties as the noble Lord had done, still what had occurred in the course of the debate upon the present question showed that each individual upon that Committee might take a very different view of the meaning of the term Corporation to that of any other Member of it, and for that reason it was incumbent upon the

noble Lord definitively to give a clear understanding what Corporations were to form the subject of inquiry. The resolution of the Committee which the noble Lord had just referred to, certainly showed a prudent apprehension on their part of the bounds within which their inquiries ought to be confined; but he knew quite enough of Committees of Inquiry to foresee that these apprehensions would incur a great risk of being totally forgotten as the inquiry proceeded—

“*Mobilitate viget, viresque acquirit eundo;*”

and, if there were some Members of it who would be prudent enough to avoid getting entangled in an irretrievable maze of useless matter, they might not always be present to check the ardour of others who might be disposed to pursue their inquiries upon forbidden ground. He was, therefore, decidedly of opinion, that an exact line of inquiry ought to be drawn out for the purpose of this investigation, for it was absolutely necessary, however fair and open the proceedings of the House might be, that the proceedings of the Committee should be restricted, not by an understanding among them alone, but by some recorded opinion of the House, and it was this motive which prompted him to press on the noble Lord the necessity for defining the objects for the examination of the Committee. There was another reason why this recommendation ought to be adopted, and which might be deduced from the petition upon which the present debate turned. The petitioner had stated, in detail, the grievances which Franks had suffered from the abuses of the particular Corporation of which he complained, which grievances the Committee were not empowered to inquire into; but the petitioner asked the House to instruct the Committee to extend the inquiry into the state of the trading Corporations of London. If the House acted in conformity to this petition, the Committee would at once be compelled to enter into that general inquiry which the noble Lord had just now deprecated; and this, in his opinion, formed an additional reason for laying down some limit to their operations.

The *Attorney General*: One benefit of the present discussion was, that they were all at length agreed that, if not now, some distinct inquiry must speedily be made into the state of these trading Corporations, seeing that some of the functions exercised

by them were clearly Municipal functions, and therefore make them Municipal Corporations. It was quite clear, that though these Corporations held charitable funds for their own benefit, and for the benefit of others, the House had authorized the Committee to inquire into their management. If such an instruction as the hon. Baronet had proposed was necessary to guide the Committee in the case of the Merchant Tailors' Company, it was equally necessary to guide the Committee in their examination into the management of every other Corporation. The question, stripped of all circumlocution, was, whether the trading companies of London were to be inquired into at all? Now, they were all agreed that they must be inquired into at some time, for no man could deny that they were either members of the Corporation of London, or so connected with it that they could not be excepted from the same inquiry to which that Corporation was itself subjected. No Gentleman had been bold enough to assert that the Corporation had not exercised Municipal functions, and enjoyed Municipal rights. But was there any Member able to draw a line, and tell the House from historical detail, what portion of this body was connected with the Corporation of London, or with the trading interests of London, and what portion of it was independent of them? No Gentleman, not even the Member who brought forward the Motion, and who, consequently, must be well acquainted with the subject—no Gentleman could, by any possibility, draw such a line, and therefore the House must be incapable of giving any particular directions in reference to this Corporation. They must, therefore, be under the necessity of doing one of two things; either to exempt the Corporation altogether from the proposed inquiry, or have the investigation committed entirely to the good sense and parliamentary knowledge and integrity of the Gentlemen composing the Committee. As there could be no question of their integrity and knowledge, it would be better to adopt the latter alternative. No Gentleman would say, that till the inquiry had proceeded to some distance, it would be possible to assign what portion was connected with the Corporation, and what portion was not, and, therefore, it would be necessary to get a long way into the matter previous to attempting a decision. He repeated, there must be an inquiry, and it must be left entirely to the

knowledge and integrity of the Committee. The hon. Baronet had stated, that the inquiry might be stayed at the threshold, by saying that this was a body not exclusively connected with a Corporation; but, as he before said, the Committee must get a long way into their inquiries before they could possibly form a judgment on that point. This was a question of the highest importance, as proved by one of the hon. members for London (Mr. Grote), who had given them the history of the Fishmongers' Company, which had fully proved that that Corporation had a share in the Municipal Government. This Corporation had the power of directing what amount of fish should be sold in London; and although this might be said to be a matter of trade, yet, at the same time, it was exercising a very great Municipal power. The hon. Gentleman concluded by repeating that one trading Corporation should be subject to the same inquiry as other trading Corporations.

Mr. Warburton said, that this Corporation must be subject to inquiry as well as others, for it was strictly Municipal. He agreed with the hon. member for Hull, that the term "Municipal" was a term unknown to the English law. It was borrowed from the Roman law, and to the Roman law they must refer to ascertain its meaning. He should therefore refer to a quotation from the *Digest* to show what *municipes* was. The *Digest* explained *municipes* by *officium*, a civil duty, and then proceeded *municipes igitur appellantur quia munera civilia perficiunt*—that is to say, "they are called *municipes* because they undertake Civil Offices. Now, the Civil Office of the Fishmongers' Company was to cast stinking fish out of the market, and of the Merchant Tailors' Company to preside over cloth brought into the City. The former Company had raised the price of admission to their freedom from 3s. 4d. to 3l. 14s. If asked the reason of this, they would say they did it out of poverty—from their feastings and drinkings; these expenses and all their accounts ought to be examined into from their own books. The Committee would stultify itself by confining its inquiries to the limits proposed by the hon. member for Kent.

Mr. Abercromby rose to make a few observations with respect to his own views on the subject. He was deeply aware of its importance, and of the general anxiety which prevailed throughout



the country as to the result of the inquiry. The hon. member for Whitehaven (Mr. Attwood) had said, that the presentation of Mr. Franks's petition had given rise to all the agitation or interest felt by the country on this subject of corporations, but the hon. Member laboured under an unfortunate mistake. He had only been engaged upon this subject for the last five or six days, and yet during that time he had been visited every morning by several individuals, all anxious to have this inquiry made fully and fairly. Several gentlemen from large towns had told him that the state of the corporations within them had agitated the inhabitants of them for some time past. It was, therefore, clear that the present agitation had not followed, but preceded, the motion of his noble friend the Chancellor of the Exchequer. He complained of the conduct which some individuals in that House had pursued towards the Committee. The Committee had scarcely taken one step, and yet, for the last two evenings, a debate had been studiously spun out, for the purpose of inspiring the country with a distrust, not only of the proceedings, but also of the intentions of the Committee. That was particularly unfair. He felt that this inquiry was an inquiry of deep and general interest, and he was, therefore, desirous to do his best to gratify the wishes of the country. There were several difficulties with which the Committee would have to contend. The first difficulty which he feared was, lest the Committee should be overwhelmed by the magnitude and multiplicity of its inquiries. It ought, therefore, to limit them to the inquiries into those abuses which were the most open to public view, which were the easiest to remove, and to which a safe and prompt remedy could at once be applied. The duty of the Committee was to ascertain the practice of existing Corporations. The House ought to know what the Corporations did, whether their police was sufficient, and whether their jurisdiction was efficient for the purposes for which it was given. All these points, ought to be discussed in order to see whether there was any thing vicious, and what, in the present system. When the Committee had examined into these practical points of Municipal Corporations, if the result of the examination should establish the fact that these Corporations were insufficient for the purposes for

which they were intended, and that they were capable of improvement, a great benefit would be obtained. What ulterior improvements were to be made in them would remain with the House; all the Committee had to do was, to point out what was vicious and wanted correction. When hon. Members insisted that the Committee should enter into an examination of the accounts of these Corporations, they must have overlooked this fact, that if the Committee ever went into such accounts, they would never be able to get out of them. If what had been spent by these Corporations could be recovered—if the expenses which had been incurred, and which ought not to have been incurred, could be replaced—it might be all well to refer to the past; but as that could not be, the advice he should give would be this:—"Place your Corporation in good hands, and all this species of mischief will be stopped for the future." To those Gentlemen who had asserted that all members of Corporations would resist this inquiry he was happy to say that, so far as he knew, they were most anxious to co-operate with the Committee, being convinced that the Committee was determined to act with fairness and impartiality to all parties.

An *Hon. Member* said, that if the inquiry were not confined to the limits mentioned by the hon. Member who spoke last, the labours of the Committee would extend beyond three years. The proper course, he thought, would be, to ascertain the original foundation and institution of Corporations, and then to find out how far they had deviated from this their original institution. As the Lord Advocate, on a former occasion, had stated, with reference to Scotland, all Corporations were once conducted on the same system—that is, under the management of the whole of the burgesses. As to the meaning of the word Municipal, all Corporations were originally trading Guilds, before they were Corporations; and the Merchant Tailors' Company was therefore a municipal corporation. In all charters they were originally called Merchant Guilds.

Mr. *James* agreed with Mr. *Abercromby* in stating, that the agitation on this subject was not of recent growth. He had a petition on the subject from his constituents, which had been agreed to some weeks since.

Sir *Edward Knatchbull* said, that he had proposed his Amendment in the hope that it expressed the opinions of the noble Lord opposite, but as he found that it did not, and that the opinion of the House was against him, he would, with permission, withdraw his Amendment.

Mr. *Attwood* briefly replied to the arguments of the different speakers, and defended the course which he had thought himself bound to take on the present occasion. He would, however, yield to the sense of the House, although his own opinions remained unchanged. He was convinced of the impropriety of giving these extended powers to the Committee; at the same time, he begged to assure the House that the Company against which Mr. Franks had presented this petition were ready to give to the Committee every explanation respecting their management of the funds intrusted to them for charitable purposes. They did not mean to shelter themselves under the petty pretexts which some hon. Members appeared ready to afford them. He asserted, on their behalf, that there was no part of their conduct, as a corporate body, for which every one of them was not ready to make himself responsible, not only with his person, but also with his character. He begged leave to withdraw his Motion.

Motion withdrawn.

#### MISUNDERSTANDING IN THE HOUSE.]

Lord *Althorp* then addressed the Speaker, and said, that before the House separated he wished to call its attention to a circumstance which had taken place in the early part of the evening. In the course of the debate upon the motion of the hon. member for Middlesex for a Select Committee to examine into and report upon the number of Members of Parliament who held offices, places, and emoluments under the Crown, some expressions had been used which, he understood, were likely to lead to those consequences which the House was always most peculiarly anxious to avoid. Under these circumstances, he offered himself to the notice of the House, without having had any communication with either of the hon. Members to whom he was now compelled more specifically to allude. But having heard the expressions used by the hon. member for Middlesex that evening with respect to such officers of the army as held seats in that House, he felt bound to state, that those expressions

cast a strong suspicion upon the motives by which those officers were actuated in their public conduct in that House. At the same time he felt bound to admit, that the hon. member for Middlesex had fairly stated, that he did not intend his expressions to have any individual application. Expressions of that kind, however, were calculated to excite feelings which led others to use expressions still more dangerous. In the course of the discussion, strong language had been used by an hon. and gallant Officer, the member for Gloucester, and had been retorted by the hon. member for Middlesex. Under such circumstances, he (Lord Althorp) appealed to the hon. member for Middlesex himself. From long experience of the hon. Member's parliamentary conduct, he (Lord Althorp) was satisfied that he (Mr. Hume) had not intended to give any man personal offence by the observations which he had employed; he (Lord Althorp) was therefore confident that the hon. Member would express that feeling with respect to the words which he had uttered in throwing back the expressions of the gallant Officer with contempt.

Mr. *Hume*: I can have no hesitation in stating my recollection of what took place, and in showing how impossible it was for me to have intended personal offence to any individual. I stated certain circumstances, which I said excited suspicions in my mind, but I added, that I hoped that no expression of mine would give offence to any individual. The hon. and gallant member for Gloucester, in referring to what I said, observed that such a dishonourable opinion as I appeared to entertain of the officers of the army must arise from a conviction on my part, that I should act so were I in their situation. That was imputing a motive to me—a course which, in itself, is unparliamentary. I then said, that I threw back the insinuation with contempt. Contempt was the word I used. It is a word that ought never to be used in Parliament, but it is often used, and, in my opinion, always improperly. I thought at the time that the hon. and gallant Officer, in throwing out an imputation against my motives justified me in using the expression which I did, but I meant nothing more by it than to set myself and my opinion, right in the opinion of the House; and I therefore appeal to you, Mr. Speaker, whether, after guarding myself as I did by stating, that I did not mean my expressions to have any individual application, the hon. and gallant Officer was right in imputing



motives to me? I never wish to quarrel with any man—I never wish to give any man personal offence. Those with whom I have quarrelled most in this House, I have always met on the best terms on the other side of that door. Like lawyers, we have battled our points warmly, and sometimes, perhaps, angrily; but when the argument was over, our warmth subsided, and we met on friendly and amicable terms. I had no intention by my observations this evening to offend any man, but in the heat of the moment I retorted with warmth, which, if not justifiable, may perhaps be considered excusable.

At the conclusion of this speech there was a loud cry for Captain Berkeley, but as he did not come forward, it was taken for granted that he had left the House.

The *Speaker* was sure, that the House felt itself deeply indebted to the noble Lord for having done that which was so essential on the present occasion, and which, coming from an individual so peculiarly entitled by his station, his temper, and his character to interpose, was likely to bring the two hon. Members back to a right feeling that personal offence was not intended on either side. He regretted, that the hon. and gallant member for Gloucester was not at that moment in his place. He was perfectly well aware of what the hon. member for Middlesex had stated, that in using the expression, he had not meant any personal offence to the hon. and gallant member for Gloucester. He (the *Speaker*) had heard the expressions to which the noble Lord had referred, and he confessed that, if his memory did not fail him when he heard them, he took the meaning to be this—that the hon. Member should treat insinuations against himself with the same contempt with which insinuations supposed to be made by him were received at the other side. He (the *Speaker*) had not interfered at the time; he was generally backward in doing so, lest his interposition might tend to create the offence which he was anxious to prevent. The attention of the House having been called to the expressions, he must say, that they had been explained by the hon. member for Middlesex, who had declared that he had meant no personal offence against the hon. and gallant member for Gloucester. With that explanation the House was satisfied, and if the House was satisfied, it appeared to him that the proudest and most gallant man that ever lived need not object to their decision. If what he now stated did not

meet the feeling of the House, then the House would be justified in sending for the hon. and gallant member for Gloucester, and taking those steps which the occasion might call for; but after what had passed, it appeared to him that the words of the hon. member for Middlesex, followed by the explanation he had given, could be construed only in that way which must relieve the most honourable mind from the impression, that a personal offence was intended.

Lord George Lennox, if he might express the feelings of his hon. and gallant relative, would venture to say, that he was satisfied. If the opinion of the House, composed of Gentlemen of all ranks and of the different services, felt that the honour of his gallant relative was satisfied, his hon. relative would be willing to bow to the decision of the House. He regretted the language used by the hon. member for Middlesex. The hon. Member had said, first the gallant Admiral, and then that he did not mean the gallant Admiral, but the gallant Captain; and the hon. Member had made an apology to the House and not to the individual. The hon. Member had not intended, however, to insult or to make any personal attack on the gallant Captain, and he would say, in the gallant Officer's name, that he was perfectly satisfied.

Subject dropped.

## HOUSE OF LORDS,

Tuesday, February 26, 1833.

MINUTES.] Bill unamended. Change of Venue (Ireland). Petitions presented. By the Duke of RICHMOND, from Horsham, for Regulating the Hours for Employing Children in Factories.—By the same from Dorrington and from two Places in Derbyshire; by the Earl of CAWDOR, from Nairn; by Lord DACRE from Wigan, Standish, and other Places; by the Marquess of Stafford, from Kirkwall; and by the Bishop of LINCOLN, from Burntisland,—for the Better Observance of the Sabbath.—By Lord DACRE, from Newport; and by the Marquess of Stafford, from eight Dissenting Congregations; by the Earl of CAWDOR, from Eleven Protestant Dissenting Congregations; by Lord AUCKLAND, from Cliff Regis, Doorfield, and Barrington; by the Bishop of LINCOLN, from Brigstock; and by Lord SUFFIELD, from the Resident Missionaries of Jamaica, against Slavery.—By Lord TEYNHAM, from Dublin, against Tithes and Church Cess; from Castlebar and Aughagoure, for a Repeal of the Legislative Union, the Abolition of Church Cess, Tithes, and Grand Jury Laws; and from the latter, for Vote by Ballot.

REMOVAL OF MR. STANLEY.] Lord Teynham presented a Petition from the Parish of St. Michael and St. George, in Dublin, praying for the Abolition of Tithes, and for the removal of Mr. Stanley from the Chief Secretaryship of Ireland.

Earl Grey considered a petition to that

House, which prayed for the removal of a person appointed to an office by the Crown, could not be admitted. It was evident that the power of removing him did not rest in that House; and, therefore, it would be preposterous to admit a petition for an object which it was not in the power of the House to carry into effect.

The *Lord Chancellor* said, that he was not one who felt disposed in any way to close the doors of that House against the petitions of any class of his Majesty's subjects. On the contrary, he was disposed, if possible, to overlook any irregularity which might accidentally occur in the wording of petitions, if there were no objections on the very face of the petition to its being received. He should have been inclined to extend this rule to the present petition, without paying any regard to the merits of its prayer; but that House had not the power, any more than the petitioners themselves, of accomplishing the object which the petitioners had in view; and, therefore, it could answer no good purpose to receive the petition; it would be a mere mockery of the right of petition, than which the people had no right more valuable, if their Lordships were to entertain a petition, praying them to do something which it was as impossible that they should do as if they had been asked to do something physically impossible. The appointment of any Minister depended entirely upon the Crown. If the petition had been, that their Lordships should move an humble Address to the Crown, praying the removal of any Minister appointed by the Crown, that would have been perfectly regular. The objection, therefore, was merely one arising from the inconsistency in petitioning the House to do that which they had not the power of doing; and did not extend to a petition to the same effect if tendered in a proper form; but worded in the way in which it now was worded, it was impossible, in his opinion, for that House to entertain it.

*Lord Teynham* withdrew the petition.

TITHES.—(ENGLAND.)] *Lord King* said, that he had to present a Petition to their Lordships connected with the subject of tithes in this country; and although he had been frequently rebuked by certain members of the right reverend Bench, for dilating upon this

topic, he could not refrain in this instance, from calling their Lordships' attention to the peculiar hardships of which the petitioners complained. The petition came from a small parish in a remote district of the country, the inhabitants of which amounted to 800, and who subsisted entirely by agriculture and fishing. It appeared, from the petition, that there was not a more quiet or peaceable parish in the kingdom, until, in an evil hour, his noble and learned friend upon the Wool-sack presented the present rector to it. The petitioners stated, that in the course of the last spring, the rector laid claim to a tithe upon herrings caught in the sea, which claim they alleged that there was no custom existing in the place to sanction; and it would be impossible to describe to their Lordships the disturbance which the raising of such a claim excited in this hitherto tranquil district. It, in truth, produced a complete tempest there, and he could only convey to their Lordships something like an idea of the subsequent state of the parish, by quoting to them an expression, employed in a letter addressed to him on the subject—namely, “that the rector had made a little Ireland of the parish.” A “little Ireland” he (*Lord King*) believed it would be made, unless something was done to put an end to the agitation which the claim set up by the rector had excited. One of the first effects of his putting forward such a claim was, that the tithe-proctor was burnt in effigy, and that the rector was obliged to fly. He had already stated, that the petitioners alleged that no claim for tithes on fish had ever before been set up in that part of the country. He was aware that tithe upon fish had been claimed in some places in Sussex, and the claim proceeded upon the principle that upon every thing that had an annual increase, the clergy had a right to tithe. Upon the same principle the persons who claimed tithe upon fish, also demanded it upon bricks. In another part of their petition, the petitioners stated that they had had no resident rector for a great number of years. He could confirm that statement, for he had lived forty years in the parish, and had never known the rector to reside there. It would appear, indeed, as if the best qualification for a rector of this place consisted in being the near relative of the Mayor, or of some of the Aldermen of the borough of Tiverton. The living to which he was alluding was



in the gift of the Great Seal, as he had already intimated. Now, through the means of the Reform Bill, the Great Seal had of late been emancipated; but, like slaves when suddenly restored to freedom, it did not seem to know how to use its liberty properly. His noble and learned friend on the Woolsack wished to stand well with the Church, and with the high Church too, and his noble friend had been remarked for his coquetting with the right reverend Peers upon that side of the House; but though his noble friend gave them the livings at his disposal, still he would find that he would not be able to get their votes. Soothe them as he would, his noble friend might be assured, that he would never succeed in inducing the right reverend Prelates to lend their support to the Government to which he belonged. It was a well-known fact in our history, that the Prelates of the Established Church had always shown themselves ready tools in the hands of a Tory Government; but now that the Tories were expelled from power, and that a liberal Government had been established, no such subserviency would be any longer exhibited on the part of the right reverend Prelates. He would beg to remind his noble and learned friend of what the Marquess of Wharton said to William 3rd, who was observing to him that the Tories were an exceedingly accommodating people, and that he liked them extremely. "I agree with your Majesty," replied the Marquess, "that no people can be more accommodating than the Tories, but your Majesty must remember that you are not the King of the Tories." So he (Lord King) would tell his noble friend, that he must remember that the Government to which he belonged was not a Tory, but a liberal and popular Government, and that it would be a vain effort to seek to enroll amongst its supporters, high Church and high Tory partisans. He was sorry to say, that in the present instance, his noble friend had not provided a good shepherd for the flock. The noble Lord concluded by presenting the petition, which was from the parish of Porlock in Somersetshire, complaining of the clergyman; and it prayed not only for the removal of the particular grievance of which the petitioners complained, but also for a general amelioration of the tithe system throughout the country.

The Duke of Cumberland inquired

whether the tithe in question had been exacted?

Lord King said, it had not; but that in consequence of the claim having been raised, the proctor had been burnt in effigy, and the rector had fled from the parish.

The Lord Chancellor said, that he had been a little alarmed by his noble friend's statement in the first instance, from which it would appear as if the reverend person alluded to had actually levied this tithe, and had done so in defiance of long-existing custom. It would seem, however, that the petitioners only complained of the reverend gentleman's laying claim to this tithe, to which they maintained he had no right, for it did not appear from their statement that he had taken any steps to enforce the claim. But if, as they alleged, there existed no custom there for the taking of such tithes, the course which they had to pursue, should the rector endeavour to exact them, was plain and obvious; they had only to resort to due course of law for their protection, instead of appealing to the Legislature on the subject—they had merely to go into the Courts and show that there existed no custom to authorize such a claim, and they would be perfectly safe from the rector's demands.

Lord Ellenborough reminded the noble and learned Lord, that the petition also prayed for a general revision of the tithe system.

The Lord Chancellor said, that he could well understand that portion of the prayer of the petition; and this he would say, that no person, not even his noble friend who had presented the petition, could feel more strongly than he did, that that part of the petition was well founded, and no person could be more ready to admit than he was, that that part of its prayer should be granted, and that the Legislature should set at once about improving the tithe system—should set about placing that system upon a proper footing both as regarded the persons to whom tithes were due, and the persons from whom tithes were due—upon a footing equally beneficial to the lay as well as the clerical portion of the community. With respect to the reverend gentleman to whom this petition alluded, he must observe, that he had never in the course of his life been accessary to an appointment with which he was more

satisfied. He had never known that reverend gentleman—indeed up to the present hour he had never seen him—but he understood from those who did know him that he was an exceedingly fit person to receive such an appointment, and that, under the circumstances in which he was placed, it would be an important object for him to obtain it. He had previously done duty at one of the new Churches in a great and populous town, and by the burning of that Church he was reduced, with his wife and family, literally to a state of destitution. Such was the statement made to him (the Lord Chancellor) at the time. Even if a sum of money could have been raised for the rebuilding of the Church in question, it could not be rebuilt in less than two or three years, and all that time this reverend gentleman would have remained without the slightest means of subsistence for himself or his family, the more especially as the whole of his emoluments, when the Church was standing, was derived from the pew rents. Such, he repeated, was the statement made to him with regard to this reverend gentleman, by individuals upon whose authority he depended, and who recommended the reverend gentleman to him as a fit individual for the appointment. Though the reverend Gentleman was not known to him, he was acquainted with some members of his family, and he could assure the House that it was no species of political intercourse, nor anything of a community of political feeling that had prompted him to confer this appointment upon the individual alluded to. He thought, on the other hand, that differences on such points afforded no reason why he should not give him this appointment, the more especially as he had heard a most unexceptionable account of him. For him to enter into inquiries on occasions of this kind, and to try the capacity or incapacity of every clergyman that might be recommended for one of the livings in the gift of the Great Seal,—for the Lord Chancellor to do that, the House would see, and he was sure that his noble friend in his candour would admit, was absolutely and altogether impossible. It was necessary, therefore, for him to refer to certain persons in whom he placed confidence, as to the selection of those clergymen to whom such livings should be given; and nothing that he had heard from his noble friend had induced him to alter his

opinion that he had made a fit and proper selection in the present instance. That opinion would undoubtedly have been shaken if his noble friend had brought forward some proofs to show that this rev. gentleman had been acting in the manner he described; and if it had been shown that he had been exacting tithes to which he had no right, he could only say, that the reverend gentleman must be an extremely altered individual from the person whom he had sent to fill this living in the county of Somerset. When he sent the rev. gentleman there, he was utterly incapable of exacting tithes that were not his due, he would say, not only to the amount of a herring, but even to the amount of a sprat. If the rev. gentleman had since changed, as the noble Lord had described, he could not possibly account for the metamorphosis, except by supposing that the rector had fallen into an imitation of the conduct of other persons in that part of the country. His noble friend was quite mistaken in supposing that this appointment was made in consequence of the emancipation of the Great Seal, effected by the Reform Bill. The fact was, that the appointment was made before the Reform Bill was passed; it was one of the first he had made under the Great Seal. His noble friend was still more mistaken in the statement which he made respecting the assistance which he (the Lord Chancellor) had felt it his duty to solicit from the right reverend Prelates of those dioceses where the livings attached to the Great Seal were situated, as his noble friend described it, with regard to the selection of the reverend individuals to fill them. He utterly denied that, in doing so, he had in any manner been influenced by any motives of the kind attributed to him by his noble friend, and he had the best possible grounds, and the best possible evidence, to prove that such was not the case. He utterly denied that he had ever done so with a view to conciliate the political feelings of those right-reverend Prelates, or to win them over to support those political opinions with regard to which he and his noble friend in a great degree concurred, though in some respects they materially differed. He would most unequivocally deny, that any such idea had ever entered into his head; and, indeed, if it had, he should have afforded just grounds for his noble friend's laughter on the present occasion,



and he should, no doubt, be fated to experience that disappointment which his noble friend, assuming that he had such objects in view, had foretold would await him. He had stated, soon after his accession to office, that the number of exceedingly small livings which were at the disposal of the Great Seal, rendered it absolutely impossible for the Lord Chancellor, without trusting to the recommendations of others, to discharge well and faithfully that branch of the duties imposed on him; for though, with regard to livings of 200*l.*, and 300*l.*, and 400*l.* a-year, it was easy for the Chancellor to find fit and proper persons to fill them, and to satisfy himself as to the qualifications and merits of the candidates, it was not so as regarded livings of a different description—of 30*l.*, 40*l.*, and 60*l.* a-year, of which kind were many of those belonging to the Great Seal. Instead of such livings being sought for, it would be necessary for him, unless he had the means of applying to and relying upon the recommendations of others, to go about the country to seek for proper persons to put into them. It would, he need scarcely add, be impossible for any Lord Chancellor, with the many other duties he had to perform, to do that. Therefore, when he communicated upon this subject with a most reverend Prelate, he stated that it might appear as if it were a shrinking from a duty, the responsibility of which still attached to him, should he enter into such an arrangement, though, in fact, he proposed it, in order to enable him to discharge that duty in a faithful and efficient manner. It was solely upon such grounds that he had made the arrangement in question, and not with any political views, or with any motive of conferring an obligation on those right rev. Prelates, who rather obliged him by giving him the required assistance, than he conferred any obligation on them. His noble friend had somewhat irregularly introduced this subject, but he could not regret that, since it had given him an opportunity of explaining the real nature of an arrangement which had been hitherto very generally, and, he must add, very greatly misunderstood. The noble and learned Lord concluded by repeating his opinion as to the fitness of the reverend individual for the appointment to the parish from which the present petition emanated.

Lord *King* was ready to give his noble and learned friend credit for great dis-

cernment,—for great discernment in human nature, but not for great discernment in clerical nature. He would do his noble friend the justice to say, that the persons he had appointed to the livings in his gift had not been so promoted by him on account of a community of political feeling, for he believed, that in almost every instance, they were opposed to his noble friend in politics. His noble friend had, he was sure not in a bad spirit, alluded to the exactions of others in the West of England; that allusion fell harmless on him, for he could say, that he had never exacted that to which he was not fairly entitled. He complained of clerical, not lay exactions, for which value had generally been given, and to which, therefore, the owners were fairly entitled.

Lord *Wynford* said, that if due investigation were made, it would be found that, so far from the clergy exacting more than their due, there was no description of property whatever upon which the claims of the holders were so mildly enforced. He knew the part of the country from which the petition came as well as the noble Lord who had presented it, and he could tell him that the landowners there were beginning to find out that a change of hands in the owners or collectors of tithes would be of no benefit to them. This persuasion was gaining ground throughout the country. He objected to the practice of the noble Lord in thus bringing discussions upon the characters of individuals who were not present to answer for themselves, and whose characters were valuable not only to themselves, but to the country. Never were the characters of the clergymen of the Established Church more valuable to their country than at the present moment, when there was a disposition abroad to make a run at the Church as undeserved as it was mischievous. He did not mean to say, that the noble Lord meant to do injury to the Church, but he certainly was adding to the spirit which was abroad by the frequent discussions he was in the habit of provoking in that House upon the characters of clergymen. He had intruded these few observations upon the House, because he found it impossible to sit still and hear unnoticed these attacks upon the characters of gentlemen who were not present to answer for themselves.

Petition laid on the Table.

Lord *King* was glad to hear the noble and learned Lord pass an eulogium upon the character of the clergy of the Established Church. He only wished that their characters were as well appreciated by their parishioners, as by noble Lords in that House. He had to present another petition against tithes from the parish of Greystoke, Cumberland, and he would say, that greater injustice had never been committed by clergy or laity than had been committed by the incumbent of that parish in pursuing his demands for tithes upon the parishioners. The petitioners stated, that, for thirty years, they had been in a state of litigation with their pastor about tithes; that they had been dragged through all the Courts at Westminster, and had the same question tried in the Ecclesiastical Court at York, and also at Carlisle; that, in the year 1815, the Vice-Chancellor decided in favour of the *modus* set up by the petitioners, notwithstanding which there had been three trials since of the same question; that they had had the decisions of Sir John Leach, Lord Eldon, and Lord Lyndhurst in their favour, and yet another suit was now in progress. With regard to the observations made by the noble and learned Lord as to the present run against the Church, he would only take the liberty of remarking, that it was circumstances like these which occasioned that run.

Lord *Ellenborough* thought that, before the noble Lord presented petitions which might involve the character of particular clergymen, he should give some notice to the parties concerned, in order that they might give a denial or explanation through the medium of some noble Lord.

The Bishop of *Carlisle* bore testimony to the excellent character of the clergyman alluded to. That a new trial was allowed was an act not of the clergyman but of that Court.

Lord *King* said, there had already been three decisions in favour of the *modus*. He knew nothing personally of the clergyman in question, but it was to have been wished that the opinion expressed of him by the right rev. Bishop had been shared by the petitioners. The noble Lord also presented a petition against the Tithe system from Ashurst in Kent. He wished to observe, that it was never his intention to smuggle any petitions through the House. He had presented many petitions to the same effect

last year, and then, as now, took occasion to do so when there was a full Bench to answer him. The object of the present petition was, that whatever measure of improvement with respect to tithes should be meted out to Ireland might also be extended to this country, when the conduct of the people under similar vexations, had been hitherto so peaceable and praiseworthy. In Kent, the taking of tithes in kind became a most oppressive burthen, and prevented the outlay of much capital, and the culture in hops of a great portion of land, since the tithe of hops would exceed the rent.

Lord *Teynham* supported the petition. He could fully and confidently confirm the statements in the petition, for the tithe on hops was most injurious in Kent, and greatly impeded the cultivation of the land. Taking tithes in kind too was a most grievous thing, for no man liked another to come upon his land.

Marquess *Camden* was well acquainted with the county of Kent, and could assure their Lordships that the conduct of the clergy in that county was most exemplary. He was quite sure that tithe was not more oppressive in Kent than elsewhere.

Petition laid on the Table.

THE SLAVE TRADE.] Lord *Ellenborough* wished to inquire of the noble Earl at the head of his Majesty's Government whether any instructions had yet been given to his Majesty's cruisers off Western Africa, to adopt those measures for the suppression of the Slave-trade which were mutually agreed upon in the treaty between this country and France, entered upon last year?

Earl *Grey* said, that instructions had not yet been given, in consequence of the negotiation of a supplementary treaty, which he expected would shortly be ratified and laid on the Table of the House. On the arrival of the ratification, instructions would be given.

Lord *Ellenborough* expressed his surprise at the delay, as the treaty had been ratified full a year ago.

Earl *Grey* remarked, that the subsequent negotiations necessarily occasioned the delay.

Lord *Ellenborough* said, he was not quite sure whether he yet understood the noble Earl. After this supplemental treaty was ratified, were the instructions still to be matter of negotiation?



Earl Grey intimated that such would be the case, but said, he anticipated no difficulty in the way of an agreement on the instructions to be given.

Lord Ellenborough said, that their Lordships had been told the same thing more than a year ago, and yet the instructions were still negotiating.

Earl Grey repeated, that the delay must be ascribed to the necessity which was found to exist, of entering into a supplementary treaty.

[STATE OF THE WEST INDIES.] Lord Colville said, it was with much reluctance he rose to defer the Motion of which he had given notice for that evening. But he had that morning been informed by a committee of a most respectable body of Gentlemen, who took a strong interest in that matter, that the noble Viscount at the head of Colonial Affairs had requested an interview with them, for the purpose of laying before them a plan which he intended to propose on the part of Government for the settlement of this great question. As they, therefore, as well as himself, had no wish to embarrass his Majesty's Ministers, he was ready to consent to the postponement of his Motion. He had no object in view but to assist them in obtaining their end, which he believed was simply to elicit truth, and gain justice; and therefore, though he was fully prepared to go into his Motion, he readily assented to its postponement. There was no man among their Lordships who was less connected with West-India property, or more disinterested than himself. He did not doubt that he should have been able to have convinced their Lordships of the justice of his Motion; but the plan proposed by his Majesty's Ministers was entitled to the fullest consideration. The same reasons which induced him to postpone his Motion, prevented his fixing any day for its discussion, but he hoped the cause would not suffer by the delay.

Order discharged.

## HOUSE OF COMMONS,

Tuesday, February 26, 1833.

[MINUTES.] Papers ordered. On the Motion of Mr. RUTHVEN, an Account of the state of the Curragh of Kildare; and the same of the Phoenix Park, Dublin.—On the Motion of Mr. HUME, a detailed Account of all Expenses incurred in his Majesty's Dock-yards, in each of the years from 1820 to 1832: of the Number of Commissioned

Officers in the Royal Navy on the 1st of January, 1828; and the same on the 1st of January, 1833; and the aggregate Amount of their Half and Full Pay at that Date.—On the Motion of Mr. SPRING RICE, a Copy of the 25th Report of the Charity Commissioners.—On the Motion of Colonel LEITH HAY, the Number of the Excise Officers in Scotland, and their Salaries for the year ending 5th January, 1833.—On the Motion of Mr. GUEST, an Account of the Exports and Imports of Iron, from the year 1830 to the present time: also an Account of the Copper Sheets and Bolts used in his Majesty's Dock-yards of Woolwich and Portsmouth, and of the Expense incurred in manufacturing the said Copper Articles, during the years 1830, 1831, and 1832; and the same Account of Iron used in his Majesty's Dock-yards of Woolwich and Portsmouth.—On the Motion of Mr. GEORGE EVANS, an Account of the Number of Convicts, and the Expense incurred by the Convict Department in Ireland.

New Writ issued. For Dover, in the room of Mr. POULETT THOMSON, who made his Election to sit for Manchester.

Petitions presented. By Mr. SPRING RICE, from the Town of Cambridge, against the House and Window Taxes. By Mr. PHILPOTTS, from Gloucester; by Mr. J. JOHNSTONE, from the Presbytery of St. Andrew's, Dunse, and Fordyce; by Mr. THICKNESSE, from Wigan and Standish; by Mr. JAMES YOUNG, from Coothill; by Mr. EWING, from two Congregations in Glasgow; by Mr. OSWALD, from Ayr; by Admiral FLEMING, from Ardrossan and Dennie; by Mr. BAILLIE, from Nairn; and by Mr. STEWART MACKENZIE, from Urquhart,—for the Better Observance of the Sabbath.—By Mr. M. PHILLIPS, from Diseworth; by Sir R. B. PHILLIPS, from seven Places in Wales; by Mr. C. S. FORSTER, from Walsall, for the Abolition of Slavery.—By Mr. ROBERT N. SHAW, from Eye, against the Duty on Malt and Hops, and against the Assessed Taxes.—By Colonel LEITH HAY, from Inverary, for the Repeal of the Malt Duty.—By Mr. J. JOHNSTONE, from Leslie and Anstruther-Easter, against the present System of Lay Patronage in the Church of Scotland.—By Mr. THOMAS ATTWOOD, from the Midland Political Union of the Working Classes, condemning the total disregard of the Misery of the Working Classes in England and Ireland in his Majesty's Speech, and the Address of the House of Commons; and for the Abolition of the Taxes on Bread, Sugar, Tea, Malt, Hops, Tobacco and Soap.—By Mr. BLACKSTONE, from Farnick and Kilburnie; by Mr. OSWALD, from the University of Glasgow; and from the Students of the Andersonian Institution, and Portland Medical School of that City; by Admiral FLEMING, from Danby; by Mr. CAYLEY, from Perth; by Mr. OLIPHANT, from Elton; by Mr. A. ROPER, from Diseworth; by Sir JOHN MAXWELL, from Trailton; and by Mr. MAXWELL, from Pollockshaws,—against Slavery.—By Mr. R. A. OSWALD, from Newmibus Ayr,—against the Coercive Measure (Ireland); for the Abolition of all Sinecures, for the Vote by Ballot, and the Repeal of the Septennial Act.—By Mr. BELLEW, from Kirmockbridge, against the Arbitrary and Unconstitutional Measure proposed for Ireland.—By Admiral FLEMING, from Denny,—for the Better Regulation of Church Patronage.—By Mr. MURRAY, from the Incorporation of Merchants of Leith, in favour of Borough Reform in Scotland.—By Mr. HAWES, from St. Mary, Newington, for a Reduction of the Standing Army, and Abolition of all Sinecures, Pensions, and useless Offices.—By Sir JOHN MAXWELL, from Paisley, against Nocturnal Legislation.—By Mr. HODGES, from Ashhurst, Kent, against Tithes.—By Mr. PRYME from certain Christians in Dublin, that Persons who object to taking Oaths from Religious Motives may be relieved from the necessity of doing so on any occasion.

[HIGHWAYS.] Mr. Portman rose to move, pursuant to the notice which he had given, for leave to bring in a Bill to consolidate and amend the laws relating to Highways. The subject was one of very great importance, and he should, therefore, with as much brevity as possible,

state to the House the nature and extent of the proposition which he meant to bring forward. The manner in which road surveyors were chosen at present was objectionable, and, therefore, instead of their being selected by the inhabitants of a district, and afterwards approved of by two Magistrates, he purposed to empower the vestry of each parish to nominate their own surveyor, without any reference to any superior authority. This he thought would be a desirable improvement; but he, at the same time, intended that the several parishes comprised in a district should be allowed the option of electing the same individual if they should think fit to do so. Should the arrangement be found to work advantageously, other improvements might afterwards take place. Another point respecting which alteration was proposed in this Bill, was the mode in which funds were raised for the purpose of keeping the highways in proper repair. This was done at present by the imposition of various and distinct rates, which occasioned great uncertainty in the amount; but for those rates he proposed to substitute a highway-rate, founded upon the Poor-rates. There was another important change which he contemplated effecting, a change which had not only the sanction of the hon. member for Wigan, but also that of the Committee that had sat upon the subject in the last year. That change related to the altering, diverting, or stopping up of highways, and he meant to include footways as well as carriage-roads. Where a public highway or thoroughfare became useless, or was not worth the expense of being kept up, he intended that, on the decision of a majority of a vestry meeting being obtained, the surveyor would be at liberty to stop it up, reserving, however, to any party who might be aggrieved by the circumstance the right of appeal to the Sessions. He believed that the plan would prove satisfactory, not only to the Members of that House, but to the country generally. So far from meaning to limit this power to the majority of a vestry meeting, it was his intention to extend it to individuals, on their consenting to take upon themselves the whole responsibility of the expense; and, in cases of appeal, it was proposed, in order to prevent vexatious opposition, to subject the appellant, in the event of his failing to bring the matter to a decision, to any costs that might be incurred in consequence. By

the law as it stood there was no appeal, and therefore this would be a great improvement. He further proposed, that the accounts of the surveyors should all be sworn to, and that they should subsequently undergo inspection by the auditors or way wardens. His next proposal might perhaps give rise to some difference of opinion, but he still considered it to be a most desirable amendment of the law. He proposed that the roads for the distance of 100 yards on either side of county bridges should be kept in repair by the respective trusts *ratione de jure*, but he did not mean to oblige these trusts to contribute anything towards keeping in order the carriage way across the bridges themselves. If the House should concur in deeming this Bill a desirable measure, he intended that it should take effect from next October, and that the appointment of the surveyors should take place at the same time as the election of overseers. He also intended that the labour and materials necessary for keeping up all public highways should be obtained by contract in the ordinary way. The hon. Gentleman then moved for leave to bring in the Bill.

Mr. *Wilks* seconded the Motion, and said that the measure would remove many of the abuses and difficulties now experienced, and that assimilating the highway rate to the Poor-rates would tend to simplify the matter exceedingly. The hon. Gentleman deserved great credit for the pains he had bestowed upon the measure.

Leave given.

OFFENCES IN IRELAND.] Colonel *Perceval* said, that he had given notice of a Motion with reference to the return ordered on the 14th instant, respecting the number of persons committed for trial for offences in Ireland, to add the words "distinguishing Roman Catholics from Protestants;" but the right hon. Gentleman opposite (Mr. *Rice*) had told him that his Motion was incorrect. This, however, was not the case, for had not similar returns been made some time since with respect to the counties of Kilkenny, Mayo, and the Queen's County, in which the identical distinction was made for which he now sought? The Protestant were distinguished from the Roman Catholic delinquents in those returns, and he therefore could not see what difficulty there could be in supplying the informa-



tion that he required. The right hon. Gentleman had stated to him that prisoners were not classified according to their religion, but, as there were clergymen of both persuasions in attendance at the different gaols, all that he desired could be obtained from them. In bringing forward this Motion, his object was, and he had no hesitation in avowing it, to show that the imputations which had been cast upon the Irish Protestants were unfounded, and that they had not been mainly, or at all instrumental to the disgrace which now attached to their country. If the distinction for which he sought was made it would be seen that neither the crime, anarchy, nor confusion existing in Ireland was attributable to the Protestants. He had been informed by a noble Lord who was likely to know the fact that such a return had been made out for Longford; and if a little trouble were taken, he had no doubt that the information to which his Motion was directed could be obtained. He would avail himself of that opportunity to notice a statement which he had read in a newspaper of yesterday, in which a noble friend of his was most unjustly and unwarrantably attacked. His noble friend was accused of having forgotten an atrocious murder which had been committed by a Protestant at Dundalk. But not only was there no truth in the statement to which he alluded, but it was a gross and discreditable libel, calculated to prejudice the individual who was about to stand his trial upon the charge. That individual, it was perfectly true, was a Protestant. He was a native of Scotland, and a glazier by trade, and, so far from committing murder, he merely stabbed a man with his "putty-knife," after he had himself been knocked down and ill-treated. He was an inoffensive respectable man, of the name of M'Creath, and was on his return home after finishing his day's work, when he was beset by a party and knocked down, and it was in self defence that he used his putty-knife, an implement of his trade which he usually carried about him. The hon. and gallant Officer deprecated such statements as calculated to prejudice a man on his trial for life, and declared that the whole statement was a tissue of misrepresentation. The hon and gallant Officer concluded by moving that the words "distinguishing Roman Catholics from Protestants" be added to the return ordered on the 14th instant.

Mr. *Spring Rice* said, that having been personally alluded to he felt it necessary to offer a few observations. Notwithstanding what had fallen from the hon. and gallant Member, he still entertained the opinion, that such a return as that for which the hon. and gallant Member had moved could not be obtained, for they all knew that parties were not required by law to state the religion to which they belonged. No return that was not certain could be useful, and it was very obvious that certain information was not to be obtained in the present instance. But there was another, and not a technical, ground on which he must resist the present Motion, and that was, that it would be manifestly invidious and unjust in its tendency. It could promote no real good, and would, in all probability, have the effect of raising an unfair and unjust impression against that class of persons who formed the great majority in the chronicles of crime in Ireland. Crime for the most part was committed by the poor, they being most open to temptation, in consequence of their poverty: and as it was well known that the poor of Ireland belonged chiefly to one religion there could be no great occasion for the return now asked for, and therefore he hoped the hon. and gallant Member would not persist in his Motion.

Mr. *Pease* declared that he should also resist the Motion. Party spirit had long been the bane of Ireland, and party spirit it was that had reduced that unhappy country to its present awful condition. He therefore hoped and entreated that the House would not countenance party measures, or agree to a Motion that would have the effect of casting a stigma on the religion of any portion of their fellow subjects.

Motion withdrawn.

POOR LAWS FOR IRELAND.] Sir *John Tyrell* wished to put a question to the right hon. Gentleman opposite, and in doing so, he should take the opportunity of making one observation. The question he wished to put was, whether his Majesty's Government had it in contemplation to introduce any measure into that House, to afford a legal provision for the poor of Ireland? The observation with which he wished to accompany this question was, that it could not but appear strange to all men who observed the course of parties in that House, that whilst

much of their time had been employed in high-flown discussions about Ireland, and benefits withheld, and benefits to be bestowed, there had not been, from any one of the zealous speakers on the question of Ireland, a proposition for the introduction of the Poor-laws into that country. Indeed, he believed that the hon. and learned member for Dublin was opposed to their introduction.

Mr. *Stanley* said, that the question was one which he should feel little difficulty in answering. Before any one resolved that Poor-laws ought to be introduced into Ireland, he must resolve what description of Poor-laws was necessary, what should be their extent, and on what principle they should be founded. As to the observation which the hon. Member had made, he surely must know, that there was no question on which all parties were more divided among themselves than that of the Poor-laws, and that was especially the case with the Members from Ireland among whom the difference of opinion existed, without reference to political or to religious sentiments. The difference of opinion, in fact, was that which all honest and consistent men might conscientiously entertain, when trying to form a satisfactory judgment on so important a subject. Under these circumstances, he did not think it matter of blame to the Ministers, that, among the multitude of affairs to which they had to direct their attention, they had not been able to bring before the House the subject of affording a legal provision for the poor of Ireland. He thought, indeed, that if there was one subject of blame more to be feared by the Government than another, it was that of bringing in measures for the relief of the poor, crudely prepared, and brought in for the sake of catching at popularity, rather than from any well-grounded confidence of their excellence, or any firm and settled conviction that they were right, both in principle and details, and were calculated to produce benefit to the people at large. After having thus expressed his opinion, he should only add, that his Majesty's Government were not, at this moment, prepared to bring in a measure for giving Poor-laws to Ireland.

Mr. *O'Connell* said, that the question relative to the introduction of Poor-laws into Ireland was a most important one. The hon. member for Essex had done him injustice when he stated that he (Mr. *O'Connell*) was opposed to the introduc-

tion of any system of Poor-laws into that country. He was opposed only to such a system as would give food to a man in perfect health, and capable of working, and would interfere with the carefulness which ought to enter into the management of every person's affairs, and with the natural affection that subsisted between children and their parents. He, however, had no objection to a system which would make provision for the blind, the lame, the insane, and those incapable of work—to a system, in short, which would relieve and not increase the poor of Ireland. Dr. Doyle was a decided advocate of the Poor-laws, and the majority of the Catholic clergy took the same view of the question. They beheld the misery and wretchedness of the poor in Ireland, and, anxious to afford them present relief, they consulted their feelings rather than their judgment, and did not take an enlarged view of the subject. He should be happy to introduce one sort of Poor-laws, and would make the attempt at once, if the hon. member for Essex would pledge himself to give his assistance. Dr. Doyle had suggested the application of the ecclesiastical revenues for such a purpose. Would the hon. member for Essex assist him in carrying that suggestion into effect. They were now about to reduce ten Bishoprics in Ireland. He was willing to consent that the amount of the revenues of these ten Bishoprics should be applied for the benefit of the poor. Or they might take the other part of the suggestion of Dr. Doyle. Dr. Doyle proposed, that those revenues should be devoted to the promotion of public works, whereby employment might be afforded to the poor. The scheme was worth trying by way of an experiment, and it would afford a great relief to those parts of the country which were at present heavily assessed to furnish the means of carrying on public works. Half of the whole rent-roll of the county of Kerry was mortgaged for County-cess. The right hon. Secretary was right in saying, that no political or religious feeling was mixed up with the question of the introduction of Poor-laws into Ireland, as a proof of which he might mention, that his opinions upon this subject coincided with those of the hon. member for Sligo (Colonel Perceval), with whom he seldom agreed on questions connected with politics or religion, for he had the misfortune to differ on one of those subjects, and was



bound to differ on the other. In conclusion, he must declare, that it would be wrong to lend the authority of Government to a proposal for introducing a system which would change all the relations of society in Ireland.

Subject dropped.

ARMY RETURNS.] Mr. *Hume* said, that he wished to obtain certain Returns relating to Colonels of regiments, in order to show that many of them derived very considerable advantages from their appointments, advantages which, in his opinion, exceeded the limit of propriety. Many of the offices they held were almost sinecures, and perhaps if the duty of clothing their regiments was excepted, were perfect sinecures. He could not think, that such a system was advantageous, or that it ought to be persevered in. He would move for a Return of the name and rank of every Colonel now commanding a regiment, stating the date of each commission in the army, the date of his first appointment to the command of that or any other regiment, the rank held at the time of such first appointment to a regiment, the number of years on foreign service with his regiment, or on the staff at the time of such first appointment to a regiment, distinguishing each period of service; also, whether he holds any other and what civil or military office or appointment, the date of each such appointment, and stating the pay of his rank, the salary, pay, and emoluments derived from each office or appointment, and from the regiment he commands, so as to exhibit the annual sum derived from the public. When these Returns were laid on the Table, the House would be able to see what were the pensions and sinecures enjoyed by some of these Gentlemen, and would have an opportunity of comparing those advantages with their services, and of ascertaining whether these revenues and pensions had always been conferred as the reward of merit. The House had been, for several years past, voting large sums of the public money under false pretences. He did not wish to criminate individuals, or allude to particular cases; but, as it was clear that the Executive Government either would not or could not controul these improper appointments, it therefore was the business of the House to interfere, and stop the remunerations, if it could not prevent the promotions. He was

sure, that when the Returns were laid upon the Table, the House would be convinced, that high honours and considerable emoluments were bestowed, but not as rewards for meritorious services.

Sir *John Hobhouse* had no objection to the Return, part of which, indeed, the hon. Member might find if he looked into the Army List. There were some parts of the Return now asked for, which it might be difficult to obtain, but which he would endeavour to procure, though to do so he must make a personal, rather than an official application to the individuals themselves.

Mr. *Hume* said, that with regard to the Army List, though he might procure there some of the information he wanted, he did not know that he was entitled to speak upon the authority of any information except on that officially communicated.

Mr. *Robinson* said, that he should wish Returns of Naval Appointments to be granted, for he should then be able to show that some of these appointments which the right hon. Secretary opposite had stated would amount to but 4,500*l.*, did, in fact, reach the amount of 6,700*l.* a-year.

Sir *James Graham* said, that the advantages enjoyed by the officers of the Navy, to whom the hon. Member alluded, did not equal those possessed by officers of the same rank in the army, and it was in some degree, to equalize them, that these appointments had been granted.

Returns ordered.

CAPITAL PUNISHMENT.] Mr. *Hume* presented a Petition from the Inhabitants of the Metropolis, praying for a change of the Laws with regard to the infliction of Capital Punishment. The petition was signed by 5,330 persons. The petitioners stated, that in their opinion, the severity of punishment ought to be diminished, and its certainty increased. At present the infliction of punishment was but a lottery, and the chances of escape were between 300 or 400 to 100 in favour of the prisoner. The law, therefore, instead of being a terror to evil doers, had become a matter of little importance. In consequence of the severity of the law, there was a general conspiracy to prevent the infliction of the punishment it awarded. If the severity of the punishment was relaxed, prosecutions would increase a hundred fold. He thought that capital punishments ought to

be abolished except in the case of murder or arson. He wished to know whether the House thought they ought indirectly to encourage murder by giving to it the same punishment as the violation of property in some instances received. The law against burglary, in particular, he thought far too severe. In fact, it encouraged murder, because a person committing a burglary would be tempted to take away the life of a fellow-creature, when that was probably the only chance he had of escaping capital punishment. That was the result of such indiscriminate severity. Uncertainty of punishment tended to the same object. Where five or six hundred persons were sentenced, and only fifty were executed, the uncertainty afforded a strong inducement to criminals to try the lottery of escape or punishment. The petitioners had considered this subject attentively, and wished now to bring it under the consideration of the House. Most of them were men of experience, who spoke from their own knowledge of the inefficacy of the present law. He had no hesitation in terming that a sanguinary law which consigned several classes of offenders to extreme punishment. In America there were only one or two crimes—murder, he believed, and arson—which were punishable with death; yet it was well known that laws there were more efficient for all the useful purposes of society than in this country. He gave his most cordial support to the petition, which was read as follows:—

“Humbly Showeth—That your Petitioners are deeply impressed with the opinion, that the efficacy of criminal laws depends less upon the severity of punishment than the certainty of infliction; and that laws, which cannot be carried into execution without shocking the feelings of society, and exciting sympathy for the offender, are contrary to reason, inconsistent with morality, and opposed to the interests of justice.

“That the criminal laws of England are of a character so vindictive and barbarous as to be utterly incapable of uniform execution; and that, consequently, under the present system, the lives of men depend less upon the precise and express provisions of the law, than upon the temper, feeling, or caprice of a Judge, or Secretary of State; whence it arises that all the Assizes and Circuits throughout England afford examples of

inequality of punishment and practical proofs of the arbitrary discretion exercised in the selection of victims for the altars of sanguinary justice.

“That the excessive severity of the law operates to the total impunity of a great proportion of offenders, by deterring humane persons from prosecuting, and by holding out a temptation to Jurors to violate their oath, rather than be accessary to judicial murder—while almost all the capital punishments now on the Statute-book are innovations upon the temperate and wholesome principles of the ancient Common Law of the land, which had ever been admired for its humanity and wisdom by the greatest legal authorities, and is coeval with the noblest and best principles of the English Constitution.

“That your Petitioners, therefore, humbly pray your Honourable House to take the Criminal Laws into your consideration, and, in accordance with what the true interests of justice, as well as of humanity, require—to introduce such a thorough and efficient Reform of the Criminal Law as will render it more auxiliary to public morals than to private vengeance, and, by a judicious system of prison discipline, afford that protection to property of which all persons may avail themselves, without purchasing it by the sacrifice of human life.”

Mr. Pease cordially supported the prayer of the petition. In his opinion, it imported much to the character of a Christian Legislature and a Christian nation to wipe off the stain of severity of punishment. The system, as at present existing, was at variance with the principles of the Christian religion. Why should a man convicted of murder, for instance, be executed within forty-eight hours after the sentence? Why should he, in so short a space, be called into the presence of Omnipotence, when the points of law on which his fate depended were often so doubtful as to require hours of discussion before the Judges could decide? He was sure that if more time were given, and the public mind allowed to dwell on the nature of the offence and the state of the criminal, that all feelings of revenge would give way to those of humanity and justice. The great object of punishment was terror and reform. The uncertainty of punishment removed the terror; and capital punishment, when it was inflicted, precluded the possibility of reform.



The *Solicitor General* concurred with the views of the hon. Members opposite, but thought they had forgotten how much had already been done. Even in the last Session of Parliament, the punishment of death was abolished in cases of cattle-stealing, and horse-stealing, in some cases of forgery, and in coining, which till then was considered as high treason. He admitted that the law, in respect of capital punishments, was capable of still further improvement, notwithstanding the many amendments recently introduced. He had attended to the subject, and he was of opinion that capital punishment should not be inflicted unless in cases of violence. The hon. Member, he thought, went too far in the principles which he laid down; and he would put it to him whether, if attacked by a robber, he should not, in defence of his life and property, take the assailant's life? If, then, a private citizen had the right in such a case to take away life, why should not the State, for the general good, have the same? He wished, however, not to be understood as opposed to all mitigation in the law as it then stood; but he wished such improvements to be effected by cautious and gradual means alone. The petition, however, seemed to have been drawn up by a person who had been asleep for the last ten years, and, therefore, knew nothing of the late changes.

Mr. *Lennard* could assure the House, that the petitioners had not forgotten the conduct of the Government, but had, on the contrary, at their meeting, dwelt with great satisfaction on those of their measures which mitigated the criminal code. The present petition was one out of the thousand proofs which would be given to Parliament of the growing dislike and disapprobation of the people to the severity of our criminal code. He was ready to go to the length of saying, that no crime against property, unaccompanied by violence to the person, ought to be subject to the punishment of death. Robbery was still, however, a capital offence. [*"No" "no" from the Solicitor General.*]

He still thought he was right; but, however that might be, he was quite sure that sufficient attention had not been paid to the efficacy of secondary punishments. It was that which carried terror to the evil-doer, as was proved by the examples in America, from which that House

might take a lesson. And he hoped the present Session would not be allowed to pass without a more general application of secondary punishment. He hoped that steps would be immediately taken to render the criminal code more in accordance with the feelings of the country.

Mr. *Robinson* was of opinion that the certainty of the infliction of a minor punishment would be much more effectual for the repression of crime than the uncertainty, in many cases, at present attending the execution of the sanguinary penalty of death. He hoped to see the severity of the criminal code still further relaxed.

Mr. *Lamb* was happy to inform his hon. friend that the subject of prison discipline and secondary punishments was under the consideration of Government. A gentleman had been sent out to America to investigate the system of secondary punishments, and the state of prison discipline established in that country, and to report thereupon to the Government. When the report was made, he considered that the Penitentiary would afford an ample opportunity for making experiments on the American plan, if it should be thought advisable so to do, without building a new prison. He was ready to express his concurrence in the general prayer of the petition; but he thought it would be better, instead of abolishing the punishment of death by a general law, to treat every crime separately, and to see what effect was produced in each particular instance by the relaxation of the extreme penalty of the law. It was by gradual and cautious legislation that they could best mitigate the code without endangering the security of life and property. He did not mean to undervalue the alterations which had been made; on the contrary, he felt on the whole that they had been improvements. At the same time he must say, that he had, in his official capacity, received several remonstrances against some of those alterations. He believed, that they had had a good effect, but he mentioned the circumstance for the purpose of impressing on the House the propriety of dealing with this subject with moderation. At the same time he was ready to declare, that they ought not to stop in their course of improving the criminal code until they could fairly say, that the penalty of death was attached to no crime which did not

deserve that punishment. With respect to the sentence of transportation for life, which was now in many cases passed instead of the sentence of death, he was of opinion that it was one which should always take effect, unless in the event of some decidedly mitigatory circumstances appearing. It was almost impossible to define the exact degree of violence which deserved death : but, at the same time, he wished to remind the House that the Secretary of State had the right of investigating each case, and of mitigating the punishment when the crime was attended with comparatively little violence. He was not prepared to say, that he would abolish capital punishments in case of burglary ; committed, as it was, at night, it almost necessarily led to the chance of murder, and required to be punished accordingly. There were, however, distinctions in burglary, and he did not desire to see the capital punishment extended, for that reason, to all offences of that nature.

Mr. C. W. Wynn, agreed with the hon. under Secretary of State, that the crime of burglary deserved the severest punishment which the law inflicted. It was a crime of the most serious nature ; and being perpetrated for the most part at the dead of night, it was not only calculated to excite the greatest terror, but also to lead to murder ; and more especially in cases where resistance was offered. He was not, however, opposed to mitigation of the criminal code ; on the contrary, he thought that there were many cases in which a milder punishment might be safely substituted for that of death. There were even cases which now came under the class of burglaries which ought not to be visited with extreme severity ; for instance, a person merely lifting the latch of a door, and entering an outbuilding, and stealing above a certain amount, was guilty of burglary. But it was most desirable that there should be a classification of crimes, and that those of very different magnitude should not be placed together. He agreed also with the hon. under Secretary, that nothing but strong mitigatory circumstances should ever induce the Home Office to commute, for a milder punishment, the sentence of transportation for life, now attached to offences formerly punishable by death. It was well known that there were sheep-walks in Wales

extending several miles, and the sheep were not very carefully guarded. As a Magistrate he had had cases of this nature repeatedly brought before him. A peasant, from distress, stole a sheep from the flock, with a view of providing food for his family. Surely, there were mitigatory circumstances in his case, in comparison with that of a man who stole the whole flock of sheep for the purpose of selling them. There should be a classification of offences, then, as regards cattle and horse-stealing, though all alterations of this sort should be made with the greatest caution.

Mr. *Buckingham* said, that he could not admit the analogy between a man shooting a robber in his own defence, and the State taking away the life of the offender. The law, as a tribunal, could not be influenced by fear. Its object in punishing a criminal was to prevent a recurrence of the crime, and, as far as possible, restitution to the individual or the State. For his own part he would go so far as to say, that no crime should be punished with death, because, by death, they took away all means of reform or restitution.

Mr. *Cutlar Fergusson* thought, that there were certain crimes to which society, in justice to itself, was bound to affix the penalty of death. It was a most dangerous doctrine to maintain that the Legislature had not the power of inflicting death. Society had a perfect right to act for its own protection ; and the security of life and property often depended upon the terrors of capital punishment. At the same time he admitted, that it would be right to define, more accurately than was at present done, the crime of burglary. The penalty of death ought not to be attached to crimes which were not attended by violence or terror. He was of opinion that a general inquiry should be instituted into the nature and extent of our system of punishments ; he was for a further mitigation of the criminal code, which was the most sanguinary in Europe ; and, on that ground, he supported the petition.

The *Attorney General* rose lest his silence might be misunderstood. He would yield to no man in his desire to mitigate the severity of the criminal code ; but he hoped that all further relaxations would be attempted upon practical and not theoretic grounds. He was ready to



admit, that there were many cases with respect to which a milder punishment than was now applied ought to be inflicted; but he agreed with the right hon. Gentleman, the under Secretary for the Home Department, that the most judicious course would be to deal with each case separately.

Mr. *Rotch* complained of the state of some of the prisons, particularly Newgate, which was a disgrace to the country. He himself, as one of the bench of Magistrates, had made several unsuccessful attempts to classify the prisoners, but the confined state of the prison rendered such a classification impossible. He, however, expected very little to be done towards the prevention of crime until the resolutions of different Committees of that House respecting prison discipline were carried into effect. Those resolutions, he was sorry to say, were generally neglected throughout the country. There were 1,200 prisoners for example within that small space, and the city of London, which had lately had an opportunity of increasing it, neglected to do so.

Mr. *Ewart* approved of the conduct of Government in sending out a gentleman to America to examine into the state of prison discipline in that country, and took the present opportunity of expressing his abhorrence of the barbarity of the existing game code.

Petition laid on the Table.

**TITHES (ENGLAND).]** Mr. *Walter* presented a Petition on the subject of tithes from the Inhabitants of Wokingham and its Vicinities. It might recommend the object of the petitioners to the favourable consideration of the House, when he assured it that they did not wish to infringe in any manner the just rights of the clergy, nor to divert to foreign or unbecoming purposes the funds to be raised out of an equitable commutation of tithe; of which system, however, as it now existed, they earnestly prayed the House to undertake the immediate extinction. He could further state, that in no communication which he had ever had, whether with members of the Church of England itself, or with Dissenters, had any disposition appeared to despoil the Church of a fair equivalent for its present revenues. The most difficult topic connected with this question was, the possession of tithe by laymen and by lay Corporations; and, upon this head

the petitioners complained, that in many places, where the tithes extended over some thousands of acres, and were in possession of private individuals or Corporations, all that the incumbent of the living received was an antiquated stipend of 30*l.*, or 40*l.*, or 50*l.*, a-year. The petitioners submitted, that it would be no more than just to enforce that old law which might still exist in statute, though not in practice, of enforcing an adequate maintenance for the vicars and resident ministers out of those impropriations, which were so mal-appropriated. The rest of the petition was so temperate and rational, as to entitle it to the utmost attention of the House.

The Petition was laid on the Table.

**FACTORY REGULATIONS—CORN LAWS.]**

Colonel *Torrens* presented a Petition from Bolton, in favour of the Ten-hours Limitation Factory Bill, and also praying that no children under the age of nine years be employed in factories. He observed that many persons were apprehensive that limiting the hours of labour could not but have the effect of increasing the expenses of production; but he would offer to such persons, as the best consolation, the assurance, that the repeal of the taxes on bread would more than compensate them for any increased expenses of production.

Colonel *Williams* said, that though he was not connected with the town of Bolton, he had been requested to support the prayer of this petition. He considered this practice of overworking children to be attributable to the avarice of the masters, and he hoped that some means would speedily be devised for putting an end to the grievance.

Mr. *Fryer* denied, that the avarice of the manufacturers had anything whatever to do with the question. The excessive labour of the children in factories was occasioned by the Corn-laws, and other such impositions on the labour of the people. When those taxes were repealed, he would cordially support any measure for diminishing the hours of labour from sixteen to ten, but, until that was done, any alteration would increase instead of amending the miseries of the labouring classes. The people of England had long called for a repeal of the Corn-laws; and he could tell the House that if they were not shortly repealed within the walls of Parliament, they would be so from without.

Mr. *Cutlar Fergusson* deprecated the tone in which the hon. Member spoke. When the hon. Member talked of what the people would do out of doors, he ought to have recollected, that the question of the Corn-laws was one which could never be disposed of in such a manner without endangering a very serious change in the constitution of the country. It was a question at least fully equal to the comprehension of the hon. Member, and one which, unless he was much mistaken, would require the consideration of talent fully as great as the hon. Member could boast of. For his own part he did not think the poorer classes would be at all benefited by any change; but that was a point which he would not then discuss. As to the subject which formed the matter of the petitions before the House, he could only say, that he had always given his support to Mr. Sadler's Bill for reducing the number of labour hours to ten, and would continue to support any hon. Member who might take upon himself to introduce a similar measure in the present Parliament. Formerly it was stated, that the children in factories were only obliged to work twelve hours out of the twenty-four, and even that was deemed an excess; but it now appeared, on the confession of the hon. member for Wolverhampton, that sixteen was the number of labour hours—a confession which he thought ought to gain over many supporters to the contemplated measure.

Mr. *Hume* considered the question before the House as one of principle, and he wished hon. Members would treat it as such. The taunt that had been thrown out against the hon. member for Wolverhampton was not deserved, for he felt sure that the hon. Gentleman dealt fairly with the subject before the House. For himself, he repeatedly heard the masters of factories accused of wanton cruelty. They were called brutes, as if they took pleasure in inflicting punishment. He heard this accusation of cruelty with regret, and did not think they deserved it. They were also charged with avarice, and that was by some assigned as a cause for their severity. Now, he would ask one question—were the ordinary profits of capital increased by the exercise of severity? If not, avarice could not be the cause of severity. He did not think that home competition obliged master manufacturers to have recourse to harsh treatment; in

his opinion, the chief cause lay with the landholders, and with that House, which legislated for them. To prove this, he would just state that a cotton-spinner in France paid only 33s. per quarter for his wheat, whilst the cotton spinner in England paid 55s. The consequence was, that the English cotton-spinner, to make up for the difference of 22s. was obliged to exact twelve or fourteen hours labour from children, instead of ten hours or less which would be only required if the price of corn was lower. This was the plain cause of the distress of master-manufacturers, as it was of their exacting so much labour from those they employed. Let this corn monopoly be reduced, and not only the distress of the manufacturers would be alleviated, but also the hard treatment which factory children undergo would be put an end to. The consequence of doing away with the corn monopoly would not be to reduce the price of corn in this country, but rather to raise its price in other countries, and thus put the English manufacturer on a footing with the foreigner, and enable the former to compete with the latter on equal terms. If hon. Members had not their judgments clouded by a fear of seeing the price of corn lowered, they would have seen to what cause the harsh usage of factory children ought to be attributed. He entirely agreed with the hon. members for Bolton and Wolverhampton, that if food was allowed to be cheap, the distress of manufacturers would be decreased, and the complaints against the severity they exercised over the children they employed, would be no longer made.

Mr. *Cutlar Fergusson* begged to state in explanation, that in the remarks he made he had not the slightest intention to throw any odium on the masters of factories.

An *Hon. Member* said, that he agreed with the hon. member for Middlesex, that the outcry against master-manufacturers was unjust; and he besides considered that it tended to prejudice the public mind against them. While he made this avowal, he begged also to say, that he did not agree with the hon. member for Middlesex in attributing the distress of manufacturers to any foreign competition. The masters of cotton factories had little or no competition with France. The competition lay at home, between the towns of Lancashire and Glasgow, and other neighbouring Scotch towns. Let this competition be



checked by an Act of Parliament limiting the hours of labour in factories. This was the only way to put a stop to the severity of masters towards children.

Mr. *Thomas Attwood* could assure the House that no one had a greater objection than he had to the Corn-laws. They were founded, he believed, on false principles, and had been and were the source of infinite mischief. He must be allowed however, to remind his hon. friend, the member for Middlesex, that it was easier to discover the mote in another's eye than the beam in a man's own. His hon. friend charged an hon. Member (Mr. Cutlar Fergusson) with having a bias in favour of land. Now, perhaps, the hon. member for Middlesex had a similar bias in favour of money. Certain it was, that as the value of money had increased in this country, the relative value of land had fallen. The remarks of Members on all those subjects should be treated with candour and generosity. As to the question before the House, he did not deny that those poor children who were employed in factories were cruelly overworked, but let not that be charged on the masters. It was necessity—a grievous necessity—which obliged the masters to grind down those they employed. It was a stern necessity, like that which, in the language of the poet, had once existed in a town besieged.

“Love, strong as death, retains its might no more,  
And the pale mother quaffs her children's gore.”  
That it was which induced the parents of those poor children to sell them to this worst description of slavery—to that toil which produced not comfort, but misery. If the hours of labour were restricted, it might be that the children now employed in factories would not derive sufficient for their subsistence from their labour, and in that case they would have to go to the parish for relief. Nevertheless he (Mr. Attwood) was friendly to a Bill limiting the hours of labour, for he considered such a Bill was founded on principles of real political economy.

An *Hon. Member* observed that very strong imputations were brought against the master-manufacturers, which he believed were stated for the mere purpose of making an impression. Several attempts were made during the course of the last summer to prejudice and stimulate the public to make cause against the manufacturers; and, amongst others, he might instance the public entry into Man-

chester of Mr. Sadler, Mr. Oastler, and other gentlemen, preceded by flags and banners, from one of which ropes were dangling, for the purpose, as was expressed, of hanging the masters. Now, this was a most improper method of proceeding, and to add to the effect of these processional placards, a speech was made at the same meeting, wherein it was stated, at the last day the masters would hear these awful words—“Depart from me, ye cursed.” Now, he must say, this was very improper, and he seriously objected to the excitement of such prejudgments as he had witnessed, with respect to the question of infant labour.

Mr. *Mark Philips* said, that he was apprehensive lest the same strain of invective should be used in that House, in debating the question, that was used out of doors. He hoped the matter would be discussed dispassionately by hon. Members; and he begged to state, that he was personally acquainted with many great manufacturers, who desired nothing more than that the question should be brought before the House. He lamented that any portion of the wealth of the Aristocracy should arise from, or that any part of the National Debt should be laid on, the bodies of unfortunate children.

Mr. *Sheppard* said, that he had made it his duty to inquire among the great manufacturers of the West of England, and he had found that no such exaggerated abuses existed as those so repeatedly mentioned of late. It would surprise those manufacturers very much to find themselves brought before that House as if they were criminals. He trusted that when the question was discussed, those clauses of the Bill would be modified that tended to interfere with the fair profits of the manufacturer. He admitted, that factory children were subjected to much hardship, but it was greatly exaggerated.

Mr. *Charles Langdale* was surprised to find, that the cause of working children so hard was by some solely attributed to the Aristocracy. He deprecated the attempts at casting odium on that body, for such attempts were most unjust and unfounded. He contended that if the Corn-laws were repealed, many persons would be thrown out of employment, and the manufacturers would lose their very best customers.

Mr. *O'Dwyer* agreed with the hon. Members that spoke on each side of the question, for they all confessed, that there

was in the matter ample room for Legislation. He did not think that the masters of factories tortured the infants they employed wantonly and gratuitously. They did so, because by so doing they were enabled to put ten or fifteen per cent more into their pockets. The value of such an argument he left to the House.

Petition to lie on the Table.

JUDGES' CHAMBERS.] Mr. *W. Tooke* presented a Petition from the Incorporated Society of Attorneys, Solicitors, Proctors, and others, practitioners of the law, not Barristers, praying the House would provide better accommodation for attorneys and others, whose vocations compelled their attendance at Judges' Chambers. The hon. Member observed, that at a period when improvements were taking place in every branch of the institutions of the country, the accommodations for the highest legal officers were totally overlooked; and it would scarcely be believed that the Chief Justice of England was compelled to transact all the important business which came under the denomination of chamber business in a room only eight feet high, twenty feet long, and twelve feet wide. The late member for Penryn, whom he regretted not to see in the present Parliament, presented a petition last Session on the subject. It was agreed on all sides that some better accommodation for the Judges was absolutely necessary; but the matter was put a stop to on the plea of economy—certainly, in this instance, unadvised economy. Though the subject might at first sight appear trivial to hon. Members who were not acquainted with the important affairs which came before the Judge in his chambers, he would beg to observe, that the public would derive considerable advantage if the prayer of the petition were granted, as the attorneys and solicitors would be enabled to accelerate the progress and settlement of the suits intrusted to them, by being able to bring them, in many cases, before the Judge, and by being allowed to settle them on motion before that functionary, which, from the confined and inconvenient nature of the place where they were obliged to attend, it was, at present, impossible for them to do.

Mr. *Hume* said, that the accommodation which the hon. member for Truro wished for, was perfectly requisite as he had stated, and he would suggest a way

of providing it without costing the public a shilling. There was paid out of the Suitors' Fund of the Court of Chancery, every year, a sum of 45,000*l.* to the Masters in Chancery. Now, if the 4,000*l.* and 5,000*l.* which were annually paid to those officers for doing little or nothing, were reduced to 1,300*l.* or 1,400*l.* there would be sufficient gained in one year to provide for the convenience which the hon. Member's petition prayed for. Let any man go to the ill-contrived and confused chambers allotted to the Judges, for the performance of their important private duties, and then compare them with what ought to be, when it was reflected that 7,000,000*l.* of the public money had been spent on public buildings alone, within the last few years. He would at once declare that they were unfit for the transaction of business, and equally unfit to administer justice in.

Petition to lie on the Table.

MILITARY AT ELECTIONS.] Mr. *Thomas Attwood* rose to present a Petition from members of the Political Union of Birmingham, complaining of the interference of the Military Force during the late elections, and praying the House to declare all elections null and void which took place under the control of the military force. He would only say, that he had seen gross cases of interference on the part of the military. He had seen bodies of Infantry clear the streets, and troops of Cavalry ride up to the hustings, while the polling was going on, and where no breach of the peace had been committed, or any act which could warrant such conduct. He had seen good and peaceable persons attacked by the ferocious soldiery, and honest electors cut down by the cavalry, and die of the wounds which they received. He hoped that the House would do its duty, and protect the rights of the people of England from such uncalled-for and unconstitutional interference; but if that House refused to interfere, he hoped that the people of England would protect their own rights. He trusted, that the people of England would remember, that if their Representatives in that House refused to protect their rights, they could bear arms in their own defence. He hoped that if the House did not do its duty now, the electors would, on the next occasion when they were called on to exercise their rights come up to the hustings with loaded



pistols to protect themselves. He repeated it, he hoped that if that House refused to do their duty to the people, the people would not forget theirs, but come to the hustings with loaded pistols and loaded rifles, prepared to protect their rights.

Mr. *Spring Rice* concurred with the hon. member for Birmingham in one observation which he had made. He hoped, as well as the hon. Member, that the people of England would never forget their rights. But he protested against the observations made by the hon. Member, which seemed to mean—if, indeed, they could be said to mean anything—that that House neglected the protection of the rights of the people of England. He objected, likewise, to his observations, because they assumed, that in case of improper military interference, either by order of the Magistrates or any other persons in authority, the people had no remedy. Now, it was known to all, that the proper quarter was always open to such complaints, and that, when made, they were never neglected. There was therefore, a constitutional remedy for such offences, and he thought it would be better and more becoming in the hon. Member to suggest to the people that constitutional remedy, than to suggest to them that that House neglected its duty to the people, and on that account that they should go to the hustings with loaded pistols and loaded rifles in defiance of the law of the land. Such doctrines, and such advice, were calculated to do much mischief out of doors. He thought it necessary to make these few remarks, as none of his Majesty's Ministers were present; and he could not permit the remarks of the hon. Member to pass unanswered.

Mr. *Wolryche Whitmore* was not aware in what part of the country the elections to which the hon. member for Birmingham had alluded, and the circumstances he had stated had occurred, but he must say, that it would have been impossible, without the protection of the military, for the electors of Wolverhampton to have conscientiously recorded their votes in the late contest. The usual protection afforded on such occasions was through the instrumentality of the police, but if that was found insufficient, he must declare, that it was absolutely necessary that the electors should have the protection of the military. He trusted that the people of this country would never be induced by hints thrown out in that House, or by instigation else-

where, to resort to those means which had been shadowed forth on the present occasion. He must also beg to add, with reference to the election to which he had alluded (Wolverhampton), that if the military had not been called out it was his full and firm conviction that not only would the peace of the town have been endangered, but that the scenes which had been already enacted at Bristol would have been again performed in Wolverhampton. He must also state that no praise could be too great to give to the Magistrates for their conduct on the occasion to which he had referred.

Mr. *Thomas Attwood* said, that in making the observations he had addressed to the House he had not alluded to the late election at Wolverhampton. [*Name, name.*]

An *Hon. Member*: As the hon. Member had said that such transactions had taken place, he ought in justice to mention the name, otherwise it would be impossible for Members to have an opportunity of contradicting his assertions.

Mr. *Thomas Attwood*: The place to which I alluded, in which the infantry charged the people, and the cavalry rode up to the hustings, at a time when no breach of the peace had been committed, was the newly enfranchised borough of Walsall, in Staffordshire.

Mr. *Forster* said, that as member for the borough of Walsall, he craved the indulgence of the House while he offered one or two observations upon the present occasion. He had heard with surprise the remarks which had been made by the hon. member for Birmingham, and he was the more astonished to hear those remarks applied to the contest for the borough he (Mr. Forster) represented, as the whole facts and circumstances of that election must be well known by the hon. Gentleman, who had himself been present and of whom it might be said "*quorum pars magna fuit.*" He (Mr. Forster) could state, that it had been announced by two persons deputed to attend at Walsall by the other candidate for the representation of that borough (who was no other than the son of the hon. member for Birmingham himself), that 100,000 men were to come from Birmingham to attend the election at Walsall. He could also state, that nearly 20,000 men did come headed and preceded by men in military uniforms, though belonging to no corps; that those men made an attack on the inn in which the electors in his (Mr.

Forster's) interest were congregated for the night; that upwards of thirty persons were apprehended for the riot, and that great numbers of the electors in the popular interest had been seriously injured. It was true, that on the following day the military had been sent for, but not until the election had virtually closed. The military had not, however been called in in sufficient time to preserve those who had voted conscientiously from injury, though happily they did arrive time enough to save the town of Walsall from the fate of Bristol. The Magistracy and authorities of Walsall and its neighbourhood had on that occasion acted with great moderation, strict impartiality, and not only with a painful vigilance to preserve the town, but also the uninterrupted exercise of the elective franchise. He (Mr. Forster) was ready to try the merits of the question before any tribunal that the hon. member for Birmingham might choose.

Mr. *Thomas Attwood* was prepared to come to the bar of the House to show that the whole of the disturbances which had occurred had originated in the interference of the special constables, who had themselves broken the windows, and had also attacked children, and thereby excited the irritation of the parents.

Mr. *Hume* stated, that he had himself received a petition from Walsall to the same effect as that which had been presented by the hon. member for Birmingham and which he (Mr. Hume) had delayed in bringing forward until he was aware that the hon. member for Walsall was in his place. The petition stated that the military were in the town before the polling, so that the statements now made were somewhat at variance. He should now abstain from saying more than to state that he should present the petition with which he had been intrusted to-morrow.

Mr. *Buckingham* supported the prayer of the petition, namely, that all elections where military interference had been used should be declared null and void. Every Member knew, and each constituency must know, that the law provided for the removal of military to a certain distance from the place of election, in order that no such interference might take place; but the question now was, whether in many instances, such interference had been necessary; and he thought no person could deny that in Sheffield, on the late election, the interference was improper. In the case

of Sheffield, before anything had transpired to warrant the introduction of a military force, the military were sent for, and were met ten miles from the town by the Magistrates, who ordered them to load; they did so, arrived in Sheffield, and were not ten minutes in the town when, without any interference with them by the people, they issued from the inn yard in which they were congregated and fired upon the people; a poor watchman on duty in the preservation of the peace was killed, several children who were passing by were wounded and innocent blood had been shed. It had been said, that constitutional means were provided for the redress of such grievances, but he begged to remind hon. Members that an inquiry at the bar of the House could not be instituted or carried on at an expense short of 2,000*l.*, and therefore, how, he would ask, could poor persons who were the majority of the sufferers on such occasions, proceed? He considered that prevention was at all times better than cure, and he hoped that when the subject of Vote by Ballot was brought under the consideration of the House, some provisions would be made for taking the poll at elections in such a way as to make the interference of the military unnecessary and unknown.

An *Hon. Member* had heard from persons who had been present the circumstances attending the military interference at Sheffield, and from what he knew he could say that if any such interference was justifiable it was at Sheffield, for by it the town had been saved.

An *Hon. Member* begged to be allowed as one of the Representatives for Ireland, to observe that the injurious effects of military interference at elections had been there felt, and that in the county with which he was connected, not only had the military been marched into the town, but brought before the Committee Rooms of some of the candidates.

The Petition to lie upon the Table.

## HOUSE OF LORDS,

Wednesday, February 27, 1833.

MINUTES.] Petitions presented. By the Duke of RICHMOND, from Derby and Midhurst; by Lord DE DUNSTANVILLE, from Bodmin and St. Columb; and by the Earl of GOSFORD, from Beccles,—for the Better Observance of the Sabbath.—By the Earl of RODEN, from the Island of Runy, Parish of Small Isles, and the Presbytery of Skyr, against the present System of Church Patronage in Scotland.—By the Duke of RICHMOND, from three Congrega-



tions in Perth; by the Marquess of LANSDOWN, from seventeen Places in England and Ireland; by Lord SURFIELD, from Street and Watton; and from South Ferriby; and by Lord KING, from Kilbirnie,—for the Abolition of Slavery.

**OBSERVANCE OF THE SABBATH.]** The Marquess of *Westminster*, in presenting a Petition from Chester, praying for a Better Observance of the Lord's Day, said, that as far as strengthening the existing laws on the subject went, he would have no objection to do so; but he should certainly object to the mixing up of anything like a puritanical spirit with the laws of the country in reference to this important matter. He was not aware of the nature of the measure on this subject, of which notice had been given in the other House, but judging from the number of petitions that were presented, calling for some measure of the kind, he supposed that it would be passed by the other House, and he should, therefore, previous to its coming up to their Lordships, move for a Copy of the Report of the Commons' Committee of last Session on this matter, in order that their Lordships might be put in possession of the information which it contained. Some years ago in conjunction with Mr. Wyndham and Mr. Wilberforce, he brought forward a measure in reference to the publication of the Sunday newspapers, which, if it had been passed at the time, might have checked the evil in question; but it was not passed into a law, and the evil, for the cure of which it was intended, had gone on increasing ever since. It appeared to them at the time that the very name of a Sunday newspaper was objectionable; and it was still more objectionable, that the persons engaged in getting them up should be all employed in working on the Sabbath Day. True it was, that it was stated by the advocates of those Sunday papers, that they were all printed on the Saturday evening, although they did not come out until the Sunday morning; but he recollected well, that several petitions were presented from the printers and others engaged in working them, praying for relief, and for the liberty of taking recreation and repose upon the Sunday. It was alleged at the time in defence of those Sunday journals, that they would contain pious articles, suitable for Sunday reading, and homilies that would rival those of the Church itself. He must say, that subsequent experience did not prove that such had been the case.

**BREACH OF PRIVILEGE.]** On the Question that the Petition do lie on the Table,

Lord *Teynham* rose and said, that he thought it due to their Lordships, as well as to himself, to take that opportunity to complain of a most atrocious attack which was made in the *Standard* newspaper of that evening, upon him and upon the noble Baron behind him (Lord King). In the article to which he alluded, the noble Lord and himself were called "the devil's advocates," "the Church-hating gemini," and were, in fact, represented to be "scoundrels," because they had presented petitions, complaining of abuses connected with the tithe system, and praying for relief. Now he would solemnly declare, that in presenting such petitions as had been intrusted to him upon that subject, and which he considered it his duty to present, he had never been wanting in that respect towards the Church of England which it was his duty as well as his inclination to feel, and which, indeed, it would be a most reprehensible thing on his part not to entertain. He had, certainly, always advocated a proper settlement of the tithe question, conceiving that such a settlement was absolutely required, not only for the peace of the country, but for the preservation of the Church. He had felt it his duty to urge, especially at the present moment, the necessity of such a settlement; and he had no doubt, that the measure which would be brought forward on the subject by the noble Earl at the head of his Majesty's Government, would be calculated to effect such a desirable end. He trusted, however, that, in nothing he had done, he had in any way merited the description applied to him by the *Standard* newspaper. Indeed, if such a description would apply to him, he should be unworthy to sit any longer in that House. The noble Baron who was also attacked in the article in question, had not seen it until he had drawn that noble Lord's attention to it. That noble Lord was well able to defend himself and, therefore, he would say nothing in reference to the attack upon the noble Baron. He really thought that the honour and dignity of the House required that a stop should be put to such slanderous and calumnious attacks upon Members of it, and with that view he begged to give notice, that he would to-morrow move, that the editor and printer of that paper be called to their Lordships' Bar to answer for their conduct.

The *Lord Chancellor* begged to remind the noble Lord, in the first place, that the question to be now put was, that the petition that was presented by the noble Mar-

quess do lie upon the Table; and, in the next place, that even were that disposed of, he did not conceive that the mode of proceeding adopted by the noble Lord was the usual one in such cases. He apprehended that it was not usual to give notice of a proceeding touching the privileges of that House. The noble Lord must be aware, that a motion of that kind took precedence of all other business whatever; and, therefore, if the House was to take up a matter of this description, their Lordships should, not only in justice to the paper itself, but to the House, proceed to its consideration *instantly*. Their doing so would not deprive the parties in question of the means of getting full notice to prepare their defence when called on; and, therefore, he would repeat, that if the House should decide—a decision that he for one should deeply lament—to call the printer of this paper to the Bar for such a trumpety article, their Lordships should decide to do so at once. He was sure that his noble friend (Lord King), who, it appeared, had been also attacked in this article, would not join with the noble Baron in demanding to have the printer called to their Lordships' Bar, and, indeed, he hoped that the noble Baron (Lord Teynham) would himself see that the more dignified course would be not to notice such a matter. If, however, the noble Baron should persist in his Motion, the question as to calling those persons to the Bar should be decided at once, for abundant notice would be thus given to them, and abundant time afforded to them to prepare for their defence.

Lord King said, that he did not at all coincide in what had fallen from the noble Lord (Lord Teynham) on this subject. The noble Lord had shown him what he termed a most atrocious attack in a newspaper upon both of them, in which they were called "the devil's advocates." Now, the only person that he (Lord King) had ever heard of as being so denominated was an extremely honest and respectable personage. The "devil's advocate" in the Court of Rome, was an individual who took care *ex officio* that the Holy Father should not admit an improper saint into heaven; and as the individual who bore that title had always acted in a most excellent, honest, and impartial manner, he (Lord King), instead of objecting to, was extremely proud at, being called "the devil's advocate."

Lord Teynham said, that if other noble Lords did not care about such attacks, he

should not mind them either. If noble Lords did not care about being called "devil's advocates" and "Church-haters," and if they did not think it necessary, for the preservation of their own dignity, to put an end to such attacks, he would only say, that he should be as ready as any one of them to take his share of the abuse thus cast upon them. After what had occurred, he would not persevere with his intended motion on this subject.

THE CLERGY.] The Bishop of Bath and Wells said, that he wished to take that opportunity to address a few observations to their Lordships, in consequence of an attack which had been last evening made by the noble Baron (Lord King) upon a most excellent and deserving clergyman of his diocese. The noble Lord had stated, that the clergyman in question had been guilty of exacting tithes beyond what were his due, and of demanding tithe upon fish. Now, to show that such had not been the case, he (the Bishop of Bath and Wells) would just read to their Lordships a letter which he had received from that reverend gentleman. The reverend Prelate here read the letter, in which the reverend writer stated that he had been absent from his parish for a few weeks, being at Birmingham assisting in the restoration of St. Peter's Church there—that on his return, he was astonished to find that Lord King's agent had been going about the parish getting signatures to a petition reflecting upon his (the clergyman's) character and conduct—that he understood that that petition stated that he had raised his tithes—that he had endeavoured to exact tithe upon fish, and, in short, that he had acted in a most cruel way towards his parishioners. The writer proceeded to state, that in no instance since he had come to the parish had he raised the tithes there—that in many instances he had lowered them—and that, at the last tithe-day, there had not been a single complaint on the part of the tithe-payers. He further stated, that as to the fish, he had never threatened that he would tithe them; that so far from falling out with his parishioners, he had done all he could to promote peace and harmony amongst them, and that he had established three schools in the parish, towards which no assistance was afforded him by Lord King, though his Lordship had a large property there. He added that he had written to his Lordship on the subject, but that he had never condescended to answer his application,



and he concluded by stating, that he had no doubt that this petition, which he understood was about being forwarded to their Lordships, had originated with Lord King himself. The right reverend Prelate proceeded to remark, that it would have been only an act of befitting courtesy on the part of the noble Lord when he had a petition to present against a clergyman resident in his (the Bishop of Bath and Wells') diocese, to have given him notice of it. Clergymen, when thus attacked, could only answer through the medium of their diocesan, and therefore he should have had notice of this petition. The rector of Porlock, against whose character this petition was directed, was a most excellent individual. He thought that the noble Lord would be now ashamed at having brought forward such charges against that reverend gentleman, especially as, instead of being proved, they had been disproved upon the best possible authority. He hoped that the noble Lord would not go on in this, he must say, sort of aberration of mind and mental hallucination, endeavouring to bring forward everything that he could against the clergy. He would entreat that noble Lord not to persevere in unfounded attacks upon their character; knowing, as that noble Lord must, that by inflicting an injury on the character of the clergy, he would do an injury to religion itself. He trusted that the noble Lord would now rise in his place and acknowledge, that the charges which he had made against a most excellent clergyman had been made under mistake, and that finding they were not founded in fact, he was ready to withdraw them.

Lord King could assure the reverend Prelate that he had no intention of stating that which the reverend Prelate had just called upon him to state. The reverend Prelate had contradicted his statement upon what he termed the best possible authority, which authority was no less than that of the very party against whom the charges had been made. Now, with regard to the person described as his (Lord King's) agent, he was a lessee of land in the parish, and was, therefore, as much interested as any other person in this matter, and it was in that character he had interfered in it. He (Lord King) understood that every one of the farmers in the parish except two had signed the petition. With regard to the property which he held in the parish, it was exceedingly small; his principal property was in the adjoining

county. The petition was not signed principally by his tenants; in fact, not one out of five of those who had signed the petition were his tenants; they were persons over whom he had no influence whatever. His agent as an owner and lessee of land in the parish, and in no other capacity, had been concerned in getting up the petition. It was perfectly true, that the reverend gentleman had made an application to him (Lord King) for support for the schools in the parish. He (Lord King) wrote accordingly to his steward, stating that he was ready to contribute towards their support. It was true that he afterwards declined to do so, and his reason for so declining was, that he was informed that the reverend gentleman had involved himself in such a war with his parishioners, by demanding tithes upon potatoes, fish, &c., that very little good could be expected to come from him. They were told, that the reverend Gentleman had not raised the tithe since his residence in the parish, but that on the contrary, he had lowered it. If he had lowered it, it was because corn had become lower. The facts which he had stated as to the tempests which had been raised in this parish by the rector's conduct, and as to the burning of the proctor in effigy, had not been denied. Could the right reverend Prelate controvert the statement which had been forwarded to him, and which he had previously referred to—namely, that the parish was converted into "a little Ireland" by such proceeding? But the answer was, that the Clergyman was a most excellent character. Now he (Lord King) did not mean to say that such was not the case; but for that very reason he would appeal to that as an instance of the evil working of the tithe system. The moment any case of hardship happened to be mentioned, arising out of tithes, one of the right reverend Prelates was sure to start up and to declare that the clergyman to whom it referred was, most exemplary and excellent character, which only proved to him (Lord King) that the tithe system was so bad that even the best men were not proof against the effects of it. He denied, that he had made any attack upon the character of this reverend Gentleman. His attack was levelled against the system, and not against the individual.

The Bishop of Bath and Wells said, that as the authority of the letter which he had read had been questioned by the noble Lord he would make it a point to make particular inquiries on the subject from the most

respectable clergymen in his diocese, and if he had been in any point misled he would be ready to come down to the House and state so. He could not help repeating, that the noble Lord was ready, upon all occasions, to come forward and malign the clergy of the Established Church.

Lord King: I never malign any man if he does not deserve it.

The Bishop of *Bath and Wells* would only add, that he thought such charges as those that were generally brought forward by the noble Lord should be treated with silent contempt.

The Bishop of *Exeter* said, that as the noble Lord had stated that he maligned no man that did not deserve it, he was anxious on the part of a reverend friend, the Dean of *Exeter*, whom the noble Lord had upon a former evening attacked in that House, to make a few observations in his defence. The noble Lord had stated, upon the occasion to which he referred, that the Dean of *Exeter* employed only one officiating clergyman, at a very small salary, in the living of *Swimbridge*, which belonged to him; the consequence of which was, that duty was only performed once upon the Sunday in the two parishes of which the living consisted; and he had further stated, that while the Dean continued the salary to the officiating clergyman at the lowest possible amount, he had screwed up the fines that he received for renewals to the highest point. In consequence of that statement, he (the Bishop of *Exeter*) had felt it his duty to write to the Dean on the subject. He had received from him a letter by return of post, telling him that he had been Dean of *Exeter* for twenty years, that during that time he had been the impropiator of the tithes of the parish of *Swimbridge*, and that there was not the slightest foundation for the charge of the noble Lord with regard to the fines, for that he had not received a single sixpence for fines since he had come into that living. The noble Lord should bear in mind, that though there was some, there was not a very great difference between saying that which he was not certain was true, but which carried the appearance of truth to his hearers, and the stating that which he knew himself to be false.

Lord King said, that all he had said upon this subject was that the officiating clergyman in this and in the other living he had mentioned, that of *Silverton*, were most inadequately remunerated, for, in fact, the remuneration was only the same as that which was given two centuries ago. He

had made the charge, not against the Dean of *Exeter*, but against the collegiate body to which he belonged, and he would again repeat that the officiating clergymen in parishes of this description were most inadequately remunerated. Their salaries frequently amounted only to 50*l.* or 60*l.* a-year. If the Dean of *Exeter* had not increased the fines, it was only because he had not an opportunity of doing so.

The Bishop of *Exeter* remarked, that the noble Lord (Lord King) had asserted that no increase of stipend had been made in consequence of the increase of fines on the renewal of leases. What became of that assertion when it turned out that there had been no fines? Thus the noble Lord had, upon the authority of others thought proper to throw obloquy upon a respectable man, and inflicted pain upon him at a time when, he was sorry to say, he was labouring under ill health. He was suffering from the gout.

Lord King denied that he meant to attack the Dean of *Exeter* except in his corporate capacity.

The Bishop of *Bath and Wells* said, he could state, on this part of the subject, from his own personal knowledge, that many stipends of the description to which allusion had been made, had been increased.

## HOUSE OF COMMONS,

Wednesday, February 27, 1833.

MINUTES.] Papers ordered. On the Motion of Mr. HUME, the Amount and Appropriation of the Suitors Fund.

New Writs ordered. For the County of Cumberland, in the room of Viscount LOWTHER, who selected to sit for the County of Westmoreland, and for New Malton in the room of Viscount MILTON who had accepted the Chiltern Hundreds.

Petitions presented. By Mr. HALL, from Newport, Monmouth, for Vote by Ballot; another for the Repeal of the Assessed Taxes; and another in favour of Triennial Parliaments.—By Mr. FIELDEN, from Blackburn; by Mr. HALL, from Newport; by Colonel FOX, from Tavistock; by Mr. DAWSON, from seven Places in Leicestershire; by Mr. TYNTE, from Long Sutton; by Captain ELLIOTT, from Morebattle; by Captain WEMYSS, from Auchtermuchty; and by Mr. WYNN, from six Places in Wales,—against Slavery.—By Captain WEMYSS, from Kelso,—for the Better Observance of the Sabbath.—By Mr. GODSON, from Kidderminster, for the Repeal of the Septennial Act.

[The House of Commons met to-day for the first time at twelve o'clock and continued sitting till three; when it adjourned to five and then resumed.]

EMANCIPATION OF SLAVES.] Mr. Godson presented a Petition from Mr. James Window, of Westminster, to which he



would take leave to call the attention of the House most particularly, as it was to develop a plan whereby the total abolition of colonial slavery might be effected, and which, in his opinion, would be attended with great advantage on the one hand to the planter, and on the other to the slaves themselves. The petitioner had calculated tables by which it was distinctly shown how long on his plan, it would be until the complete emancipation of the slaves could take place. The principal feature of the plan was, that the slaves should work out their own freedom, receiving certain debentures, the probable amount of which would be five millions, at three distinct periods of five, ten, and fifteen years. It was a plan by which the slaves would procure certain emancipation, and the planters would retain some portion of their own property. He did not think it was one which would please either party—the emancipationists or the slave-owners; but that was in his mind an argument in favour of its impartiality and efficacy. He could confidently assert, that the West-India interest was exceedingly desirous of having the question settled, if it could be settled without injustice; and he felt great pleasure in being the first to introduce to the notice of that honourable House a practical plan to that effect.

Mr. *Cobbett*: There will be schemes enough of this sort laid before the House during the Session, no doubt, and the House having very little to do, they will serve, perhaps, as excellent amusement. What do they all come to, those that have been, and those that probably will be offered to us?—Compensation. But I will say this, as far as I am myself concerned, I will never consent to any plan which has for its object the taking an additional farthing from the pockets of the English, Irish, or Scotch people. Compensation! Ay, it always comes to that in the end—that is ever the object of all those fine plans which we have seen proposed. The planters ought to have compensation! Oh, and the people must pay, to be sure. Once advance the five millions, which the petition prays for, and I should be glad to know how it is to be got back, once establish the precedent of making the oppressed people of these countries pay the planters' portion, and then they will have to pay all. How long will this continue? Indemnity to the planters, indemnity to this, that, and the other; but all out of the pockets of the poorest of an over-taxed people. The hon. Member concluded by observing, that he had a case of compen-

sation concerning the West Indies to bring before the notice of the House very shortly—a case which he would rather designate one of robbery, than any other thing whatever.

Mr. *Godson*: The principle of these calculations was, to make the produce of the labour of the slaves pay the price of their emancipation by the end of a certain period. They would be working for themselves, therefore, and consequently no part of the indemnity which the planters would obtain would be necessarily derived from taxes on the people of these countries. He hoped that every hon. Gentleman who opposed the adoption of the plan proposed by the petitioner, would first make himself acquainted with its nature. He objected to the expression made use of by the hon. member opposite, the member for Oldham, when he said, in reference to that and similar plans, that they would serve as amusement to the House. He (Mr. Godson) thought the thing of too serious a nature to be treated so lightly. He was of opinion that every thing pertaining to the question of slavery should be laid before the House, to the end that it might see which was the best mode of solving the difficulty which the case presented.

Mr. *Harvey* said, every scheme having the emancipation of the West-India slaves for its object was entitled certainly to the serious consideration of that House. At the same time, he thought the hon. Gentleman who introduced the present scheme to its notice had confounded emancipation with compensation; and made them go together, or rather, had made the one to precede the other. Now, in every well-devised plan for the purpose of emancipation, the former should precede the latter, which was not the case in the one introduced and supported by the hon. Member. As to the plan itself, he (Mr. Harvey) would just say one word. Bad as it would be to make the people of these countries pay the planters for their emancipated slaves, as shown by the hon. member for Oldham, the project of making the slaves pay the price of their own redemption was still worse. The owners of the slaves, as they irreligiously called themselves, would no doubt submit some similar proposition to the House, but in his opinion, if any persons were entitled to compensation it was the slaves themselves.

Mr. *Baldwin* wished to offer a few observations on the plan proposed by the hon. Gentleman. It was evident that, if compensation were to be made by the slaves

themselves, a surplus over what was required to make them subsist comfortably was supposed. Now, when he saw the freemen of England and Ireland incapable of obtaining with all their hard labour, sufficient for the support of their bare existence, how could he expect, that the negro slaves of the West-India islands would not only be able to exist comfortably—for unremitted hard labour required proportionate sustenance—how could he expect that they would not only do that, but also lay by a certain portion of their earnings besides, for the purpose of purchasing their emancipation? It was, he would maintain, an absurdity. The proposers of the scheme should also propose to insure the lives of the slaves; and then what would be the effect if the Cholera got among them? He would also add, that it would be an utter injustice to the people of England, Scotland, and Ireland, to tax them a single farthing for the purpose of purchasing the freedom of slaves from the planters; and it would be an insult—a disgrace to humanity and religion, to suppose that the planters were entitled to any remuneration whatever. He would willingly support the hon. member for Oldham when he brought forward any motion upon the case he promised to lay before the House.

Mr. Bernal was sorry, that such a discussion should be provoked on the mere presentation of a petition. He regretted that the observations which had fallen from the hon. member for Colchester were of that nature which called for comment; so unlike those which he (Mr. Bernal) should have expected from his plain, practical, working sense. He regretted that that hon. Gentleman should be led to join in a cry against that injured and unfortunate body of men, the West-India planters. If their property was originally unjustly acquired, was it the fault of the present possessors. Was not its possession sanctioned by the Legislature of the country for successive ages? Was it fair, then, he (Mr. Bernal) would ask, for the hon. member for Oldham to come forward at this precise period, and assist to excite a feeling, and raise a cry, already so strong and so loud against them? He asked that hon. Gentleman, was that the way in which the question should be met? Or was it by discarding prejudice and viewing it calmly? When the question came fairly before the House, all he would ask from that hon. Gentleman was fair play, and from the assembly its calm and impartial consideration; an absence of invective and intemperance on the one side, he would

hope, and an absence of unfounded calumny on the other.

Petition to lie on the Table.

SUPPRESSION OF DISTURBANCES (IRELAND).] Mr. Henry Grattan presented a Petition from the parish of St. Michael and St. John, Dublin, against the coercive measure of Government with reference to Ireland. Also a petition from King's Court Political Union, against Vestry-cess and Tithes; and another from Navan to the same effect. The petition of the first named place stated, that they had read with astonishment and alarm that the first act of a Reformed Parliament was the putting down disturbances in Ireland, not by inquiring into grievances which existed with a view to remedying them, but by opposing the voice of the whole people, and suppressing the right of petition. The petitioners protested against any portion of the King's subjects being deprived of their just rights. They stated their opinion, that bad effects would result from administering justice by means of cannon and bayonets, instead of remedial measures; and from the suspension of the *Habeas Corpus* Act instead of the suspension of unjust laws. He (Mr. Grattan) agreed with the petitioners in the view they took of that measure, and also considered that it would be more just to remedy the grievances of Ireland than to put down all argument by force. He hoped, therefore, that the measure would be discussed with fairness and calmness on both sides, and that if it was found beneficial, as he very much doubted, it would be adopted; but that if found injurious, it would be rejected or remodelled.

Mr. Ruthven said, that he had been requested by the petitioners to support the prayer of this petition. They felt deeply the injustice of the law about to be enforced, which, instead of being founded on deliberate inquiry and calm investigation, had been determined on without any necessity for it. Instead of inquiring into the state of the country, and remedying the grievances that afflicted it, they were putting down argument by force, by a despotic law, that was more fit for Algiers than for any civilised country in Europe. Ireland was threatened with Bastilles by a damnable and detestable measure, which Englishmen would never sanction if they had a proper knowledge of Ireland or of Irishmen. Ireland was governed by an absentee Governor, a Secretary who seldom favoured it with his presence. He was ge-



nerally acting here as a member of the Cabinet, and an influential Member of Parliament; but he would say, that he was hardly ever in Ireland to perform a duty for which he was most munificently and extravagantly paid by an over-taxed people. He hoped England would not, by this measure, drive Ireland to a separation, instead of a Repeal of the Union. In allusion to the noise and confusion which prevailed in the House, the hon. Member observed that it mattered not whether they sat by day or by night if such inattention and contempt attended the presentation of a petition from an oppressed people.

Petitions to lie on the Table.

**BOROUGH OF ST. IVES.]** Mr. *Hawkins* had been intrusted with a petition to which he begged to call the attention of the House, because it involved a complaint of a gross interference with the freedom of election, and a determined violation of the privileges of Parliament. The petition contained a grave and serious attack upon the characters of two individuals—one a Member of that House, and the other a peer of the realm. The hon. Member referred to was now in his place, and he (Mr. *Hawkins*) hoped to hear from him a satisfactory explanation of the circumstances detailed in the petition, as if not, he should feel it his duty to move that it be printed, with a view to further proceedings. The petition was that of William Mackworth Praed, Esq., of the Inner Temple, barrister-at-law, candidate for the borough of St. Ives at the last election, and stated that at and previous to the late election, from circumstances which transpired, fears had been entertained that such persons as voted for the petitioner would, if labourers, lose their employment, and if shopkeepers, their customers; that in a mine in the neighbourhood of the borough, notice had been given, forbidding the miners employed therein from dealing with or holding any intercourse with the inhabitants of the town, on pain of being expelled the mine. The notice was set out at length in the petition, and purported to have been an order issued by the proprietors of the mine, and forbade all the labourers from dealing with those shopkeepers who were opposed to the interests of the mine, on pain of expulsion and the forfeiture of any wages then due, on proof of such dealing being made before two agents of the mine. Such was the system of intimidation carried on at the late election, and of this notice use had been

made in the mine in question, which principally belonged to the Earl of Lauderdale, and the entire control of which had been delegated by his Lordship to the hon. member for St. Ives (Mr. *Halse*); by whose especial orders, the petition stated, the notice had been given—that it had been acted upon, and parties had been discharged from their employments. The petitioner alleged the conduct of the Earl of Lauderdale was in direct contravention of the privileges of the House, and prayed that a prosecution should be instituted by the House against all those parties who might appear to have been concerned in the transaction. The effect of such a combination, he (Mr. *Hawkins*) was certain must be evident to every hon. Gentleman present, and the real meaning of the notice was equally manifest. Thus much he could add from his own acquaintance with Cornish miners, that the meaning that would be applied by labourers there would be, that it was intended to refer to parliamentary and election influence; such, however, was the interpretation put upon it by the miners, and by every person in the borough of St. Ives. He moved that the petition be brought up.

Mr. *Halse* would answer the appeal made to him by the hon. Member on the presentation of this petition from Mr. Mackworth Praed. The resolution alluded to in the petition, with respect to the purchase of goods for the mine, was one that had been agreed to by the proprietors, in 1830; and, although printed then, or in 1831, had never been acted upon in any single instance. At a public meeting on the occasion of the recent election, this resolution was alluded to; and it was only then that he (Mr. *Halse*) recollected its existence. Among the circumstances which occurred at the late election which was the subject of the petition was a speech made by Mr. Praed, in which that Gentleman spoke of his property and income; including in the latter an average of 50*l.* per annum for poetry; 200*l.* a paternal allowance; and 500*l.* per annum for law. He could only say, God help the Gentleman's clients. He denied that the Earl of Lauderdale had used any influence at the election, and read a letter he had received from the noble Lord, which he (Mr. *Halse*) stated to be the only communication that had passed between them—in which letter his Lordship stated, that he had been applied to by a number of persons to exert his interest at the election, in favour of Mr. Praed, but had in every case declared it to be absurd to expect he could

entertain any idea of doing so. This, he would repeat, was the only communication he had had with the noble Lord. He would add, that the printed resolution upon which the principal weight of the charge appeared to hinge, was without date or signature; and that it was customary, when anything of consequence was ordered for mines, to have some resolution passed by the managers, authorising the purchase.

Mr. *Hawkins* said, that with regard to the application made to Lord Lauderdale, he was instructed by the petitioner to deny that he ever applied to his Lordship about this business at all. He applied to him not to request his assistance, nor even to ask him to remain neuter, or to forbear giving expression to his own wishes in any way he might think proper; but simply to disclaim any participation in this notice, and to make a public promise that, so far as he was concerned, no person should suffer any loss of business, or sustain any inconvenience, in consequence of the vote he might give at the ensuing election. He again denied, that the petitioner ever asked his Lordship for his support. Upon this application being made, however, his Lordship distinctly refused to state what he was asked, or to promise what he was called upon for. The petition, however, was chiefly directed against the hon. member for St. Ives. He (Mr. *Hawkins*) had in his possession the affidavit of a person who had been the manager of the mines spoken of for upwards of two years, in which he distinctly swore, that this notice had been twice read in the mine by the desire of the hon. Member, and, that, upon one occasion, at least, he was present while it was read. He further swore, that the hon. Member and Lord Lauderdale were proprietors of the majority of shares of the mines. The petitioner having failed in the application, he (Mr. *Halse*) had stated he had made to Lord Lauderdale, then drew up a strongly worded declaration, pledging the candidates not to exercise any undue influence over the voters, and not to visit them with any species of persecution, in consequence of the votes they might give; which he called upon the hon. Member to sign, adding, at the same time, that if the hon. Member could prove, that he (Mr. *Praed*) had been guilty of any intimidation, either by himself or any person concerned for him, he would give up the advantages he had, and at once withdraw from the contest. This declaration was signed by Mr. *Praed*, but the hon. Member opposite dis-

tinctly and positively refused to sign it; giving as his reason for such refusal—and to this he specially begged the attention of the House—that it was not for a man who had no property in the town to call upon him, who had much, to prevent him from exercising any influence which that property gave him, in the course of the election. At the same time, he repeated, that no undue influence had been used by the petitioner. On the contrary, the petitioner had taken every opportunity to use what influence he could with the persons whom the hon. Member called the “mob,” to abstain from every thing improper. Such he (Mr. *Hawkins*) was instructed to say, were the real facts of this case. Whether it should be the opinion of the House that the refusal of the hon. Member and of the noble Lord to take the only course that, in the opinion of a Jury of twelve honest men, would absolve them from the imputation resting upon them, was more than he could say. The public would put their own interpretation upon the case; and so fully satisfied was he of the validity of the statements in the petition, that he should not only move, that it be brought up, but that it be also printed.

Mr. *Halse*: I must state most positively that the petitioner said, upon the hustings that he had applied for the interest of Lord Lauderdale, and added, “I confess I have failed.” For my own part, I most solemnly declare, in answer to the statement of the hon. Gentleman, that I was never present at the reading of the notice to which he alludes, except when it was read upon the hustings, nor was it, that I am aware of, ever read in the mine, except once in the year 1830. I protest, in a manner equally solemn, that I used no undue influence to procure my return. Indeed it was not necessary for me to canvass the borough after July or August, and at the close of the election I had upwards of 100 majority over Mr. *Praed*.

The Petition having been read;

On the Motion, that it be printed,

Lord *John Russell* said, that he apprehended, according to the new rules of the House, the hon. Member could not move the printing of the petition. At the same time, should the hon. Member be disposed to bring the subject before the House in a regular way, without saying anything at present about the merits of the question, he should have his best assistance.

Mr. *Harvey* said, that it was not right in any hon. Gentleman to state that he had



affidavits swearing to circumstances which an hon. Member solemnly contradicted, without producing these affidavits.

*Mr. Hawkins:* In answer to the observation of the hon. member for Colchester, I beg to state that I have the affidavit in my pocket.

CORPORATION OF LIVERPOOL.] *Mr. Ewart* presented a Petition, signed by a great number of merchants and other inhabitants of Liverpool, upon the subject of the Corporation of that borough. It was signed at one of the most numerous and respectable meetings of merchants, ship-owners, and rate-payers, that was ever held there, and its object was, to obtain a Reform of the Corporation. The revenues of the Corporation, derived from various sources, amounted to little less than 300,000*l.* a-year, of which 100,000*l.* was received by that body directly, and 180,000*l.* as having control over the Dock Estates. By borrowing money on the Dock Estates, they had raised a million and a half, which they had expended in various buildings in the town. He asked the House, was it proper that such an enormous revenue should be under the almost irresponsible control of any certain number of individuals? The Common Council of Liverpool, who controlled that enormous revenue, was a self-elected body, amounting to forty-one individuals, who elected themselves for life. The Dock Estates were managed by a Committee of twenty-one, the majority of whom were nominated by the Common Council. The consequence was, therefore, that the Corporation had the control of those funds—they possessed great influence in the borough—they had the nomination of all the clergy in the town, and of all the officers to the Dock Estates. They sold land as owners of land in the town, to members of their own body, and purchased lands according to the opinions of the majority of a Committee. The patronage and influence thus vested in them, they had abused—they had even abused their ecclesiastical patronage, by refusing to nominate persons to churches unless they were connected with members of their own body. He appealed to the House whether such abuses were to be allowed, and whether such powers ought to be left in the hands of a self-elected Corporation? He hoped that the attention of the Committee now sitting to inquire into the exist-

ing Corporations would be peculiarly directed to that of Liverpool.

Petition referred to the Select Committee on Corporations.

JURIES (IRELAND.)] *Mr. O'Connor* presented a Petition from the members of the King's County Political Union against the Grand-Jury System in Ireland, and praying for an Amendment in the system.

*Mr. O'Connell* had been requested to support this petition. He considered the Jury Laws now in contemplation were a mere mockery. Last year they might have been of use, but now, when three or five young ensigns were to have all the power thrown into their own hands, of what avail would any amendment be in the Jury Laws? The thing was a mockery on the country altogether. If such an atrocious and abominable measure were carried through that House, of what use was it to amend the Jury Laws? He would not, in such a case, like to be in the situation of English Members when they again went before their constituents. If they could sit in their seats while such an abominable and atrocious measure was going through the House, they would well deserve the fate they were likely to meet with on that occasion, for a spirit had grown up amongst the people in direct contradiction to the way in which Members were now acting. The present was, at all events, a most premature period, at which even to talk of a Jury Bill for Ireland, when Trial by Jury itself was about to be abolished in that country.

*Mr. Aglionby* said, that it was with the deepest regret, that he listened, night after night, to those attacks on English Members by the hon. and learned member for Dublin. The interests of Ireland were as dear to English Members as they were to the hon. and learned Member himself. He begged to tell that hon. and learned Gentleman, that when the measure, to which he had alluded, came before the House, he would attend to it both at large and in detail; and, notwithstanding the taunts thrown out by the hon. and learned Member, he would do his duty upon it, and he believed, in so speaking for himself, he spoke for nine-tenths of the English Members.

Petition to lie on the Table.

OBSERVANCE OF THE SABBATH.] *Mr. Andrew Johnston* presented a Pe-

tion from Richmond, Surrey, praying for the enactment of some new law for the better observance of the Sabbath. He had nothing at present to say on the subject of the petition, but he hoped it would not be understood, that when he and those who acted with him were calling for the enactment of laws for the more strict observance of the Sabbath, they contemplated infringing in the slightest degree upon the innocent amusements of the people, particularly those enjoyed by the poorer classes on the Sunday. On the contrary, it was to protect them; and to afford them the opportunity of indulging more effectually in them, that he and others supported the prayer of the petition. He hoped, therefore, that the public would see the thing in this its proper light; and when he and those who acted with him called for an amendment in the law, would not tax them with any desire to infringe upon the harmless recreation of the Sabbath.

Mr. O'Connell would beg to trespass for one moment on the patience of the House. Those gentlemen who were taking the most prominent part in the present requisition for an alteration of the law on that subject, had explained to him, satisfactorily, their objects; and these exactly conformed with those which the hon. Gentleman had stated. They did not wish, they said, to interfere with the afternoon innocent recreations of the Sunday; but solely to do away with the tyranny by which individuals who followed certain trades on that day, endeavoured to compel, even against their consciences, persons in their employment to commit a violation of the Sabbath. The prayer of the petition had, therefore, his humble and most strenuous concurrence.

Mr. Cobbett said, that in this question the interests of the poor man were totally overlooked. Almost every poor man in the country who had a garden, employed Sunday morning—the only time he could spare from the labours of the week—in its cultivation. Would that be made a crime by the contemplated enactment? Divers things must be done of a Sunday in the country as well as in town; the farming servant must obey his master, when the crop depends upon his labours, of a Sunday, perhaps, as well as the servant in the city must obey his. Would this obedience be made a crime; or would he who required it be rendered a delinquent? It

was otherwise in America; and if it were not, society would be quite unsettled.

Mr. Wilks could not agree with the hon. member for Oldham in the principles he had laid down. In consequence of the farmers not paying their labourers till late of a Saturday night, these had to come to the towns adjacent to their dwellings to purchase most of those articles necessary to their existence for the ensuing day. The towns were therefore crowded. After they had made all their purchases, they adjourned to the alehouses, and spent the surplus in drink and debauchery. In consequence, these towns exhibited scenes of profligacy every Sunday almost unparalleled.

An Hon. Member asked what good it would do to give unreclaimed portions of land to the poor, as had been successfully done in many parts of England, if they did not work them after hours? This met the hon. member for Oldham's assertion of the necessity of working of a Sunday morning. Besides, in most cases, this ground was given by the parochial authorities on the express condition that it should not be worked on the Sabbath; yet, even on those conditions, it was a boon which the poor man eagerly sought, and through which he prospered.

Mr. Andrew Johnston had no wish at that time to enter on any defence of the principle on which the petition presented by him was founded. He would only say, that those hon. Members who had made such extraordinary remarks as he had heard, did not take such pains with the subject as he had taken. He would also add, that if they waited for a few days, the whole measure would be then before the House, and they could discuss it at length and at leisure.

Captain Elliot having presented a petition from the inhabitants of Kelso on the same subject,

Mr. Cobbett again addressed the House. He thought the law as it now stood quite sufficient for all useful purposes. He was quite satisfied no law could be passed to interfere between master and servant which would not lead to confusion which never would be at an end. If a law were to be made by which servants should not be employed on Sundays, would a cook not immediately say to her mistress that she would not cook the dinner for Sunday? It was said that the measure was to prevent masters working men-servants on Sun-



days; such a system would be perfectly nugatory, unless it went into private families. Were gentlemen backward in employing their coachmen, their grooms, and their footmen on Sundays? Why, these were a set of workmen who laboured very hard, in Hyde-park, for instance. They were well dressed up, and looked very fine with their gold-headed canes, but he would be bound to say, that if they had their choice, they would much rather be at home with the maids. If the House were to legislate between ladies and their maids, there would soon be such a system of legislation introduced in this country as had never been heard of in any country.

Mr. *Hodgson* thought the hon. member for Oldham was entering too soon upon the nature of the proposed measure. If a measure was to be introduced for the better observance of the Sabbath, it ought to have general support. Before the House condemned a proposed measure of this sort, they ought, in the first place, to know its exact nature. When it should be introduced, it should have his best attention, and he thought it might be so framed as not unnecessarily to interfere between master and servant, so as to prevent the proper recreation of the latter.

Petition to lie on the Table.

#### IRISH CHURCH ESTABLISHMENT.]

Captain Wemyss presented a petition from Leslie, praying for the total Abolition of the Church Establishment in Ireland, and that its revenues might be applied towards the removal of the present burthen of taxation.

Mr. *Cobbett* was much pleased to hear this petition, and he would have been more pleased still, to have found, that it included the lay impropriations. It was the lay impropriations that wanted abolishing.

Mr. *Gillon* presented five petitions, praying for the Abolition of Church Property in Ireland, and for its application to some purposes calculated to relieve the burthens of that country, from the Political Union of Leslie, and from the Protestant Dissenters of Kelso. The hon. Member was convinced that tranquillity would never exist in either Ireland or England as long as those who professed a religion contrary to the Established Church of Ireland were compelled to contribute so largely to the maintenance of doctrines with which they could not agree. He

trusted that the time was not far distant when the Irish Church would be done away with, and that unhappy country placed in a state of tranquillity.

An *Hon. Member* begged to enter his protest against the doctrine of spoliation used by the petition. He considered the Church of Ireland had as much right to its property as any gentleman in England had to his estate. There was no individual who paid tithes that was entitled to retain them, so that if they were taken away from the Church to-morrow they would go to the State. He trusted, however, that both the Churches of England and Ireland were placed on too firm a basis to be shaken by every breath that blew. The generality of Dissenters agreed with the doctrines of the Church of England; they only differed from it in form and ceremony. Why, then, did they petition for its spoliation?

Mr. *O'Dwyer* observed, that the hon. Member's arguments with respect to tithes would have suited very well some thirty or forty years since, when they might have made some impression. He had observed that the tithes had been transferred, by Act of parliament, from the Catholics to the Protestants. If an Act of Parliament had transferred it in one case from Catholic to Protestant, an Act of Parliament could again transfer it from the present possessors to other purposes. The hon. Member must also recollect, that the former possessors of the tithes had certain trusts to perform which were not attached to the present possessors of tithes. They sustained the fabric of the churches, and supported the poor. He would strongly recommend the hon. Member, before he talked of spoliation, to advocate the appropriation of Church property to its original purpose. The great extent of Church property in Ireland had never been intended to provide the people only with religious instruction, but to provide for them all that was necessary to it. He would advise his Majesty's Ministers, now that they had taken up the Church Reform, to introduce something like a satisfactory plan. He believed that the Irish people would never be satisfied with it. Ministers might do away with eight or ten bishoprics, but that would be of little use. Sir William Petty had said, many years ago, when the Catholics were not so numerous as at the present time, and the Protestants were more numerous, that two Bishops were enough

for Ireland. For his own part, he (Mr. O'Dwyer) thought that even two were too many. He therefore considered that his Majesty's Ministers might very easily do away with six or eight more Bishops.

Mr. *Barron* said, that he would plead guilty to the charge that his ancestors had enjoyed a great portion of Church property, but they supported the poor. He charged the Protestant Clergy with a gross violation of their oaths; for they had left the people uneducated, and had thereby driven them to poverty, misery, and crime. The Protestant Establishment of Ireland was triple, nay quintuple, what was necessary for the Protestant population. Church property was originally intended for the instruction of the people, and he asked how had the holders of it fulfilled their trust? With respect to the measure of Church Reform in Ireland, it did Ministers great credit, for he believed they had gone as far as they could. But if they wished for the prosperity of that country, they must adopt some speedy means of appropriating the tithes in Ireland to the support of the poor, and the education of the people. However strong or efficacious the measures of Ministers might be—although they might put down violence and tumult for the moment, it would only be for the moment, unless they educated the people, and supported the poor. He was sorry that the noble Lord (Althorp) was not in his place; but, perhaps, some Gentleman on the Treasury Bench could answer a question, upon which several of his constituents wished to have information. They wished to ascertain what the intentions of Government were with regard to what was termed ministers' Money? He did not know how that was regulated in England, but in Ireland the money was collected according to some ancient valuations, and in some parts, particularly in the city of Waterford, which he represented, many houses were valued at 10*l.* and under, which let at 30*l.* or 40*l.* a-year. The collection of that money often led to acts of violence, and he thought it was a subject which well deserved the consideration of Ministers.

An *Hon. Member*, in reference to the assertion that the tithes in Ireland had been transferred by Act of Parliament from the Catholics to the Protestants, said, he believed there was no such Act in existence; if there were, he should be glad to know where to find it. Certain

he was, that in this country there was not such an Act. There were Acts passed in the reign of Henry 8th, not for the transfer of tithes, but for their levy: for it appeared that at that time there was as great difficulty in collecting tithes in this country as there was at this moment in collecting them in Ireland.

Mr. *Hill* believed there was no such Act; indeed none was necessary, for the Catholic clergy of that day became convinced of their Catholic errors, the very moment that the head of the Church—the King—became convinced. The Catholic clergy then suddenly became Protestants, and those who had enjoyed the tithes as Catholics received them as Protestants. With respect to the abolition of tithes, many persons, himself among the rest, believed that they came mainly from the pockets of the landlord, and that a total abolition of them would not be in favour of the poorer classes, but would go to the landlord, who would then have the whole value of the land, instead of six or seven-tenths, as at present. That might be a fallacy—it might be erroneous, but many eminent men had strong opinions upon it. With respect to remunerating the clergy, he should vote for paying them in a different manner from that now adopted. The use of the Church was to teach the great doctrines of religion; and it was most unfortunate that there was a mode of payment which put the clergyman and his parishioners in opposition to each other, and rendered the latter much less inclined than they should be to seek the excellent advice of the former.

An *Hon. Member* said, that the tenant, and not the landowner, would profit by the abolition of tithes. Tithes were made up partly of the produce of the land, and partly of labour. In fact, labour entered chiefly into the composition of tithes; and hence it must be manifest, that it was the tenant, and not the landowner, who sustained the burthen of this impost.

Mr. *Cobbett*: Some hon. Gentlemen to the right and left of me have been making some assertions which I must beg leave to examine the foundations of. It has been stated, that two-thirds of the property of the whole kingdom rests upon the same foundation as tithes and other Church property. It must, however, be granted, that the possession of much of the land in the kingdom arises from grants



from the Crown, or from forfeitures. Now, the rights of the parties holding Church property are very different. That property was conferred upon them by an Act of Henry 8th, but it was conferred upon them subject to certain conditions, namely, that the new proprietors should for ever discharge the duties consequent upon holding that property, and satisfy the demands to which it had before been subject. Now I say, that no part of the tithes were granted away without being subject to these conditions, as was also all conventual and monastic property. The case, therefore, is not quite so clear as the hon. Member near me supposes. If he imagines that the Act of Henry was intended to be forgotten, let him look to the different Acts of Edward and Elizabeth, and he will perceive the same spirit running through them. I do not wish to anticipate the regular and full discussion we must have upon this subject, but another great error prevails upon it, with respect to which I wish to disabuse the House. Gentlemen, speak as if it were the parsons in Ireland who own all the tithes, and are suffering by the difficulties of its collection, and exclaim: "Lord, what a shame it is to oppress the poor parsons!" But the parsons hold a very small share of the great mass of property which the people pay under the name of tithe. It is the Aristocracy which holds that property. The House, perhaps, are not aware that there are dioceses in Ireland in which there are not more than seven Protestant Clergymen, and there is, I believe, one diocese where the Bishop has only to look after five parsons. The House is not, perhaps, aware, that lay tithes form three-fourths of the tithes of Ireland, and that the Bill which the noble Lord (the Chancellor of the Exchequer) is to move to-night for the establishment of Courts-martial in Ireland in the first instance, and afterwards in England, is to compel the people to pay their money to the Aristocracy. We heard with great feeling the stage-coach story about the sufferings of the Protestant Clergy of Ireland, and I believe that many of the people of England, thinking that there is a parson in every parish, as there is in this country, began to think it too hard that the poor parsons should have the trouble of doing their duty without getting anything for it. Now, the fact is, that the tithes, as I said before, are for the most

part, in the hands of laymen. There does not appear to be more than 500 Protestant clergymen receiving tithes in Ireland, whilst the number of Catholic priests performing their duty to the people is no less than 2,500. I speak from Parliamentary Returns, which all the House will have an opportunity of examining. I say again, that Lords, Baronets, and Squires enjoy the tithes, and, generally speaking, not the clergy; although, of course there are a few of them who do. It is not correct, therefore, to say that it is the hierarchy of Ireland which is the main cause of the oppression of that country, but the squirearchy.

Lord Sandon rose to set the House right with respect to an assertion which many hon. Members seemed to think uncontroverted—he meant the supposed fourfold appropriation of tithes. Now it appeared by the evidence taken before the tithe Committee of this hon. House last year, that no such general ecclesiastical division of the tithes existed, and that there was only one parish which could be adduced as a proof of the existence of the practice at all. He perfectly agreed with the hon. member for Oldham, in saying, that the squirearchy, and not the hierarchy, enjoyed the greater part of the tithes in Ireland. In order, perhaps, to give Gentlemen some clue to the cause of the wretchedness of that country more correctly than that of the oppression of the Protestant clergy, he would mention a fact which was proved before a Committee, of which he was a member. A gentleman who was examined told them, that on his coming of age he had found his estate overburdened with population, and he determined to clear it. This was a very simple phrase, but what did the gentleman mean by it? Why, he turned forth 1,100 people, without a home, into the highways, to starve and shift for themselves. He stated, that he gave them nothing, and when asked what had become of them, he said that some had gone into the town, others had gone on to neighbouring estates, and others again had become thieves and vagabonds. No landlord in England could act in this way for shame, if nothing else would prevent him. He did not mean to say, that the gentlemen of Ireland were deficient in good feeling; but the occurrence of such a circumstance as this proved how great a difference there was in the standard of feeling in the two

countries, and might, without making false charges against the clergy, account for the misery which existed in Ireland. He did not think, even if the tithe system in Ireland were arranged or abolished, that the people would be appeased; for the House had the authority of the hon. member for Dublin, that nothing short of a Repeal of the Union would satisfy Ireland. But without this authority, it would seem, that it was not the removal of grievance after grievance that would effect the desired good. No, it was to the want of a respectable middle class in Ireland—a class which might be considered the great cementing link between the higher and the lower classes, that might be attributed the distresses of that unhappy country.

Mr. *Sheil* could not agree with some of the statements, as to matters of fact, made by the noble Lord, who did not appear to see the evidence of the learned divine (Dr. Doyle) in the same light as he (Mr. *Sheil*). It was not of a parish that the evidence had been given, but of an archdiocese. The hon. member for Oldham was not correct in his calculation of the respective amount of tithes possessed in Ireland by the laity and the clergy. The former were possessed of only 100,000*l.* per annum, whilst the latter laid claim to upwards of 600,000*l.* And hence there was less difficulty in settling the question; because the greater amount by far being in the possession of the Church, it might be more readily appropriated by Government. With respect to the intended measures of Ministers regarding the tithe system, of which little or nothing was yet known, he could only declare his opinion, that there would be found extreme difficulty in legislating on the subject, unless a speedy arrangement were come to on the principle to be adopted. He would admit that Ministers had done much, but they must not stop there—they must not be content with reducing ten Bishops. He would ask them why let the other ten remain? He would ask, why stop with a reduction of a Bishop's income from 14,000*l.* to 10,000*l.*? Why should a Bishop be in receipt of a larger income than a Chief Justice, or of the Lord Chancellor of Ireland? Why should two Archbishops be suffered to remain? And why, he would ask, stop with a consideration of the hierarchy? Until a radical and effectual Reform of the whole

system was effected, the agitation of Ireland would continue. He would again ask, were we to have a continuation of the tithe system as at present, or were any of its proceeds to be applied to the exigencies of the State, and the maintenance of the poor?

Lord *John Russell* was not prepared to enter into the various questions which had been brought under discussion during the presentation of a petition. Questions of the most difficult nature both with regard to practical policy, and abstract reasoning, concerning the nature of Church property, and concerning the present position of Ireland, and questions respecting her landed interests and her social condition, had been discussed by Gentlemen, without confining themselves very much to any particular line of argument, so that any one point might be clearly debated, and the House be enabled to come to a definite opinion upon it. His wish was rather to put it to the House, whether it would conduce to the attainment of the great object of presenting petitions—(namely, ascertaining the wishes of the people), that these speculative inquiries should, on such occasions, be entered upon, or discussed? The example just set by the hon. member for Oldham, and the hon. and learned member for Tipperary (Mr. *Sheil*), afforded little hope that such discussion would lead to any practical or beneficial result. He deprecated the discussion raised by the hon. member for Oldham, and the hon. and learned member for Tipperary, on the question. He should briefly notice a few inconsistencies in the statements of both. If he understood the hon. member for Oldham right, he had said, that three-fourths of the tithes of Ireland were in the hands of the laity; but what said the hon. member for Tipperary? He said, that 600,000*l.* a year were in the hands of the clergy, and 100,000*l.* in those of lay impropiators—something nearer to the truth than the other. He (Lord John Russell) had not, at that moment, the exact amount of the tithes paid in Ireland on this head, or the apportionment of its several parts between the clergy and the lay impropiators; but it was not necessary for his purpose, when hon. Members so differed among themselves. He would, however, before proceeding further, suggest to the hon. member for Oldham, that if he was not rightly informed on these subjects, he should not, in



common justice to himself and others, come down to that House to make statements which could have no other effect than prejudicing the calm and impartial discussion of the question when it came under consideration. With respect to the question of the hon. member for Tipperary, he could only state, that the Government had a measure to submit to the consideration of the House; but on the nature of that proposition he hoped both hon. Members would excuse his silence. With respect to the question put by the hon. Member as to ministers' money, it was certainly a subject of importance in relation to Church Reform; and when that subject was before the House, his friend, the right hon. Secretary for Ireland, would, no doubt, enter fully into the consideration of the matter. He (Lord John Russell) thanked the hon. member for Waterford for the credit he had, in his observation, given the Government for their good intentions towards Ireland; and he congratulated him upon the conciliatory spirit he had evinced, in giving up a portion of his own opinion to those which the Government conceived most practical. It was in this spirit, he hoped, that the question would be entertained by the House in that point of view, and not as an abstract notion, from which nothing ought to make them swerve.

Petition to lie on the Table.

#### STATE OF IRELAND—INFORMATION.]

Mr. *Roe* said, before the measure was brought forward which stood for this evening, he begged leave to submit a Motion to the House for the production of official papers relative to the disturbances in Ireland. He could not see how it would be possible for his Majesty's Ministers to resist the production of the papers referred to in his Motion. He had been a Magistrate of the county of Tipperary for the last seventeen years, and he could, without fear of contradiction, assert that many of the statements respecting outrages in Ireland had been grossly exaggerated. He could also say, that correct information on the subject of the state of that country could easily be obtained, and that there were many gentlemen ready, in all parts of Ireland, who, to his knowledge, would not have the least hesitation to appear at the bar of that House and give their evidence. It was idle, therefore, to say that persons were deterred from speaking the truth

from fear: and he must charge the Ministers of the Crown with having entered into a conspiracy, a deep-laid and cruel conspiracy, to avail themselves of the pretext of the disturbed state of Ireland for the purpose of gagging the expression of public sentiment, and depriving the people of their rights and privileges. The measure might ostensibly be directed against the Irish people, but the people of England would ultimately find, that there was another and a more destructive object in view—that the same means by which the public voice was stopped in Ireland might by-and-by be used for a like purpose in England. Could it have been forgotten that every effort that could be tried had been made by the members of the Government to render the Repeal question unpopular in this country? The repealers had been held up to public odium as revolutionists, and for many days no speech had emanated from the Treasury Benches without containing some invective against the Repeal question, or against those by whom it was advocated. But, why should the Irish Members be thus treated for doing that which they conscientiously regarded as their duty? Had not their exertions in favour of English Reform deserved better; and ought it to be forgotten that they were even now ready to join with the people of this country in obtaining the advantage of the ballot, in forcing the Repeal of the Assessed-taxes, in effecting a reduction of the army and navy, and in applying the principles of economy and retrenchment to the public expenditure? By this it must be apparent that they consulted only the good of the united empire, and that, instead of being a movement party, as they had been described, their sole and single object was the good of the people, and the preservation of their rights and privileges as citizens. The Irish Members had given up a number of pressing subjects in order to ensure the success of the Reform Bill; and was it just that the first act of a Reformed House of Commons should be directed against the liberties of the people of Ireland [*Question*]? He must be heard: and he was ready to contend that if the documents for which he meant to move were produced, or that if proper evidence of the real state of Ireland was obtained, it would be seen that the contemplated inroad upon the Constitution was without justification or precedent. They had been

frequently told, that the polar star of the present Government was public opinion [ *Question.* ] He should persist, notwithstanding these interruptions, which he must say were not very kind nor very courteous; but for that he cared nothing. He must declare, that he should much rather support a harpy that had been always genuine and consistent in its action, than a reptile that fawned only to destroy. The enemies of the people would, no doubt, be delighted at the manner in which his Majesty's Ministers had fled from every protestation in favour of popular liberty they had ever made, for the purpose of joining the ranks of despotism. But he called upon the House and the people of England not to consider this merely as a question affecting Ireland, but to treat it as a British question; for it was a question that affected England as deeply as it did Ireland [ *Question.* ] They might perhaps succeed—but he hoped not—in stifling the expression of public opinion; but he could assure them that he must be heard to a conclusion, or else he would go back to his constituents and tell them that it was useless for them to send a Representative to an English Parliament. All he could say was, that if the documents for which he purposed moving were refused, Ireland might be considered as out of the pale of the Constitution. The measure of coercion proposed to be introduced that night was mainly, and he might add entirely, directed to the re-establishment of the tithe system, and of this he begged to warn the people of this country. The resistance to the tithe system might be suppressed in Ireland by means of soldiers and bayonets, but the English people should maturely consider before they sanctioned this proceeding, whether, when it should become their turn to refuse paying tithes, similar means might not be employed to force them to continue to maintain that most unjust burthen. He would conclude by moving, that there should be laid before the House copies of all communications received by his Majesty's Government relating to the disturbances existing in Ireland, from the 25th of February, 1830, to the 25th of February, 1833.

Mr. *Stanley* said, that he was at a loss to understand what purpose could be answered by the hon. Gentleman's Motion. He must confess, that he had listened to the hon. Gentleman with surprise, and

even then he had his doubts as to whether the hon. Gentleman was really serious. At all events, if he were serious, surely he must know what the papers were that he particularly desired to have produced. But, what was the hon. Gentleman's proposition? Why, not that any given papers relating to any particular transaction should be produced, but, in fact, that the whole of the official documents of the last three years should be laid on the Table. Could anything be more absurd? If the hon. Gentleman had even confined himself to the production of the papers of the last year, he might have had something like reason on his side; but, when he asked, in detail, for the whole of the official communications received during upwards of three years, he furnished evidence to refute himself. It would be impossible within the space of four, ay, of six months, to produce even the communications of the last year; and even if they were produced, he would defy any three men to wade through their contents within any reasonable space of time, or, in short, to derive any useful or practical information from them. It was undoubtedly true that his Majesty's Government felt themselves under the painful necessity of bringing forward that night an arbitrary and coercive measure. He did not deny, that the measure was both arbitrary and coercive, but he meant to contend that it was imperiously called for, and that the Ministers of the Crown would not have performed their duty if they had failed to bring it before Parliament. He would rest the justification of the Government for the introduction of the measure upon the confidence reposed in them by the people of England; ay, he might also add, upon the confidence reposed in them by the true and sincere lovers of order in Ireland. He repeated, that nothing but the most imperious necessity could warrant recourse to such a measure. But his noble friend would state the case, recurring to the facts which he had before him, and then it would be for the House to say whether they would sanction the enactment of such a law, or call for the production of further information before they proceeded to the length Ministers intended to go. It was, he admitted, incumbent on their part to make out a sufficient case to bear out and justify that which they demanded of the House; and if they failed in showing the



necessity for the arbitrary and coercive measures for which they called, the House would, of course, be justified in refusing them the powers for which they sought. But, to return to the subject of the hon. Gentleman's Motion, he must say, that, besides the utter impossibility of the thing, there were divers other reasons why the documents asked for should not be produced, and why the details of every outrage committed in Ireland should not be disclosed to public inspection. It should be borne in mind that these details contained the names of criminals who had not yet been tried, or who might escape from justice if such an *exposé* were to take place. Other names and circumstances were contained in these documents which it would be highly improper to disclose; but he was willing to rest his opposition to the hon. Gentleman's Motion, on the grounds that their production could lead to no beneficial results, and that it would require months before any three Members of that House could hope to read them through. Much had been said, about the Government having lost the confidence of Parliament and of the public in consequence of their having proposed this particular measure, but he could assure the House that his Majesty's Ministers were most anxious to come to their trial on the bill which his noble friend had introduced, and which was to be read a first time that night. They were ready to stake their responsibility as a Government, and their continuance in the offices which they had the honour to fulfil—they were ready to stake their political characters as Members of the Legislature, and their honour as gentlemen, on this measure; and if they did not vindicate the positive and absolute necessity of it he was willing to acknowledge that they would be undeserving of the public confidence, whether they were regarded as men or as Ministers—*[loud cheering]*. He hailed those cheers, and he accepted the challenge which they conveyed—*[renewed cheers]*. He repeated the words he had used, and again declared that not only did they stake their characters as men and as Ministers, and the situations which they held as servants of the Crown, but he would go further still, and say that they also staked the safety and destiny of the country upon the case which they should make out for the application of the remedy which they proposed for the suppression of the disturbances ex-

isting in Ireland, and restoring peace and tranquillity to that distracted country. On them the responsibility of making out such a case would devolve, but they were prepared to vindicate the course they were so painfully compelled to adopt, and to show, that they had resorted to coercion only from a necessity which was beyond their control, and which called for larger powers than they possessed to meet the exigency of the case. The right hon. Gentleman concluded by saying that he should rest his resistance to the hon. Gentleman's Motion on the simple ground that it would not be practicable to lay such a mass of papers before the House.

Mr. *Thomas Attwood* thought, that the right hon. Gentleman was bound to produce evidence to justify his arbitrary and coercive measure before a bill of this description was brought forward; for, in his humble opinion, inquiry should precede severity. This had been the practice of former Parliaments, and hoped so desirable a precedent would be followed in this, a Reformed Parliament, before the liberties of any of his Majesty's subjects were infringed upon. He thought that before they proceeded to pass a Bill of so rigorous a character they ought to have a Report of a Committee before them. A temporary suspension of the *Habeas Corpus* Act was not a matter either trifling or unimportant, and therefore, before they committed themselves by taking such a step, they were bound to consider well whether it was really called for by existing circumstances or not. This was a discretion which should not be intrusted to any Government but as a last resort; and for his part he could not help thinking that the House would be called on, when they were asked to pass this Bill, to sanction a measure of precaution that was as wild and vehement as it was unconstitutional. He held in his hand proof on proof, that on all former occasions, when extraordinary measures were contemplated, a Select Committee had been appointed to consider deliberately, calmly, and fairly, of their expediency. At the present time, Ministers did not evince any discretion or prudence of this kind. He held in his hand an extract from the speech of a great and learned Individual—the right hon. Gentleman who filled the Woolsack in the other House. He trusted they would have the kindness to recollect, that he was sitting on the Irish side of the House—an ex-

tract, he repeated, from the speech delivered by Lord Brougham in March, 1817, on the subject of the suspension of the *Habeas Corpus*, in which that noble Lord said, "A more flagitious and indecent proceeding never took place within those walls than the attempt to hurry such a measure as the suspension of the *Habeas Corpus* Act through that House, on grounds such as those stated in the Report of the Committee of Secresy."\* These were the sentiments of Mr. Henry Brougham in 1817, but how different were they from the principles upon which the same individual had since acted? He (Mr. Attwood) submitted, that the wiser course to be pursued was to move that the Order of the Day for the first reading of the Bill should be read, in order that it might be deferred until that day se'nnight, when the House could be again called over. If the suspension of the *Habeas Corpus* Act was objectionable in 1817, when danger appeared in all quarters, when the Tower was threatened, and when the utmost fears were entertained for the peace of the country generally, it was now doubly objectionable. At a time such as he had described Mr. Henry Brougham recommended that the Order of the Day for the suspension of this law should be discharged, although a Secret Committee had sat upon the subject; and, if caution were necessary when the tranquillity of England itself was threatened, how much more necessary was caution now when a terrible measure such as that intended for Ireland was brought forward without any corresponding danger? For he could not believe that the disturbances in Ireland were anything like so great as had been represented, neither did he think that they were greater at the present moment than they were two years ago. He would even go a step further, and deny that Ireland was now as much afflicted by disturbance as it was eighteen months ago. They should recollect that they were now assembled in a Reformed Parliament; that they were met to protect the rights and liberties of the people, and afford them relief for the insupportable distress under which they laboured; but, if they consented to pass a Bill like that now on the Table, all that he had to say was, that, instead of restoring the people their liberties, such a step would

infallibly strangle them, and that, too, in the sanctuary in which they ought to find security and refuge when they were the object of attack. He felt the proposed measure to be so serious, and the responsibility it must entail so great, that he for one would not participate in the guilt of sanctioning it without previous inquiry. The hon. Gentleman had moved for the production of papers, which might, perhaps, exhibit the true state of Ireland, but they had been refused. There were, no doubt, disturbances in Ireland—there always had been for the last 300 years, but the way to cure them was not by random censure or wanton abuse. Unless there was misery there was never guilt, and all the coercive measures they could devise would fail, while want prevailed. He had been at the trouble of looking into the evidence given before the Committee of the last Parliament on the state of Ireland, and he begged to call the attention of the House particularly to the testimony of Mr. Barrington, the Solicitor for the Crown for the province of Munster, Mr. Barrington was asked, "Do you conceive that the giving the people employment would be the best remedy for these disturbances?" And his reply was, "There is no doubt; if there was sufficient employment there would be no inclination to disturbance." Was it not monstrous, then, when the people wanted common sustenance—when they asked for bread—when that alone would content them—that they should be answered by bayonets, by sabres, by halters, gaols, and a suspension of the Constitution. Again the same witness was asked, "Do you consider that these disturbances have any origin whatever, or are at all connected with the political feeling of the country?" And he answered, "I have never found them to have had any." He was further interrogated by the Committee as to "whether he considered them to be simply Agrarian?" And his reply was, "Certainly." In these opinions he fully concurred, and he had no doubt whatever, that if sufficient employment were provided for the labouring classes the disturbances would on the instant cease. The same witness was also asked whether the Irish people were attached to the ordinary laws, and he answered the question most satisfactorily by declaring that, as far as he knew, they had never manifested the least hostility to Jurors. This answer, it appeared, occasioned considerable doubt,

\* Hansard, xxxv. p. 699.



for the same question was put no fewer than three times, but without producing any qualification of the original reply. Here, then, was the evidence of a man of experience to prove, that the laws were respected in Ireland; and if the people of Ireland—the ill-used, goaded, exasperated people of Ireland, still esteemed the law, and respected the persons of Jurors—where was the rhyme or reason of giving them a serpent instead of bread, and gaols in lieu of that which they had a right to demand and have? And was the Legislature, under such circumstances, to be called upon, instead of redressing wrongs, to proceed to further acts of tyranny, to fill the gaols of a country, and punish the people for the misgovernment of the Ministers? He hoped that the simple manner in which the production of the papers had been moved for would have its effect on the House, for it was his opinion that the arguments of the right hon. Secretary, however eloquently delivered, were then not founded upon solid and sound reason. On all hands it must be acknowledged that before the House granted the additional powers required, they should clearly understand and be fully convinced that measures of great severity were justifiable. If the late House of Commons had proceeded in this course—if Castlereagh, the lamented Castlereagh, had been sitting on the Bench opposite, he should not have been much surprised; but that a Reformed Parliament, sent there specially to restore, confirm, and extend the laws and liberties of the people, should thus proceed—that their first act should be destructive of the inherent rights of a portion of the nation, was to him a matter equally of astonishment and of regret. If he were bad enough to sanction so unjust a proceeding he should never cease to regret it; but he trusted that his mind would be relieved of any such guilt, and that the House would reject the measure. Did they not owe a deep debt of gratitude to the people of Ireland for their persevering exertions in favour of English Reform? It should not be forgotten, that the hon. and learned member for Dublin had more than two years ago commenced his advocacy of the Repeal question. He (Mr. Attwood) had urged the hon. and learned Gentleman to suspend that question until the common liberty of all had been established; until the Reform Bills had been carried, and the hon. and learned Gentle-

man, at his solicitation, had abstained from pressing not only that but any other question relating to the wrongs of his country, until that great measure had been accomplished. The Irish generously gave up the consideration of private wrongs to assist in redressing the common wrongs of all—they generously abandoned local feelings for the general interest of the whole Empire. The nation carried, by this means, the Reform Bill peacefully and legally, which, without such disinterestedness—without such noble aid they could not have carried for years, or without shedding oceans of blood. He asked whether they were to repay such immense services by the blackest ingratitude—whether they were to prepare dungeons and halters for those men whose support in the hour of need they had so gladly availed themselves of? Was it befitting the conduct of gentlemen and men of honour to turn the weapon against the breasts of those who had shielded and fought for them? But if they permitted such a measure as this to pass, would they be deserving of the seats which they occupied in that House? They should also bear in mind, that the measures now directed against the people of Ireland might by-and-by be levelled at the breasts of the English people; but, at all events, he should not contaminate himself by giving the least countenance to such a measure. These were his sentiments, and he, therefore, anxiously urged the noble Lord, if he valued the great and glorious reputation which he had earned for himself, to pause a little before he leaped into a gulph, the depth of which no human eye could reach. A little pause, and this deep and mighty gulph might yet be avoided—some measure of a more palliating character might be introduced, and so all feelings and all interests be consulted. He had no doubt that in six months from that time, without resorting to any measures of blood, without infringing on the glorious legacies their fathers had left them, the whole people of Ireland might be rendered happy, contented, and peaceful. If the Irish gentry had existed so long, why might they not be allowed to live in the same way, at all events for the next six months? Why not, instead of sending a mission of coercion into that country, send a mission of peace—a mission not to drink the blood of the unfortunate peasantry, but to inquire into their sufferings, and the cause

of them? Let the wrongs of Ireland and the sufferings of the people be inquired into and redressed, and he would pledge himself that no more discontent should be heard of. The true condition of the Irish people ought to be illustrated before that House. He hoped they were not going to degrade themselves by sinking to the level of a boroughmongering Parliament. He had stated his reasons for supporting further inquiry, and if that was not allowed he most certainly should resist the measure, by all the means in his power; and, to use the expression of the right hon. Secretary, "even unto the death."

Mr. O'Connell entreated his hon. friend the member for Cashel to withdraw his Motion, as they would have ample time for discussing the details of the bill in constitutional form by the rules and orders of the House. It was much better that they should go at once to the measure, rather than waste their time in desultory conversation, and more especially as his hon. friend's Motion had in fact been refused. The grounds of that refusal must have appeared very unsatisfactory to the House. It had been said, that his hon. friend had made no selection of the papers he wished to have laid on the Table. This was undoubtedly the case, but how easily might that defect be rectified. The right hon. Secretary, instead of making particular instances an exception, had in fact made an exception the general rule on the present occasion. The right hon. Gentleman had showed them a box filled with papers, but by whom were those papers stuffed into that box? And were they not placed there in the absence of those to whom they related and the friends of Ireland! The question of further information had been brought forward and was rejected. He would not, however, utter a complaint on the subject, but at once go into the discussion of the merits of the Bill, in order to show the right hon. Secretary that freemen would not shrink from accepting the challenge which he had given to the friends of Ireland, and with such an air of presumption, even though he threw into the scale as a make-weight that the continuance of the present Government in office depended on the success of this measure. That the present Government did not deserve the confidence of the Irish people he would assert, and that they were equally undeserving of that of the people of England would before long appear.

The measures of the right hon. Secretary on the subject of tithes had contributed largely to the disturbances in Ireland, and the right hon. Gentleman had taken every opportunity that had come within his reach to demonstrate to the world his desire to abrogate the liberties of the many for the offences of the few whom his own measures had goaded into desperation. The hon. and learned Gentleman again pressed his hon. friend to withdraw his Motion.

Mr. Roe consented to withdraw his Motion. He hoped that people from the other side of the water would not be considered as Arabs in the sight of those who were here. He threw back the defiance that had been uttered by the right hon. Secretary. As a man whose wife and family and property were all now in the country that was to be the subject of these measures—as one having everything that he held dear in that country—he wished for the information that the papers he had moved for contained. He had no improper motives in asking for these papers, and only wished to obtain the best information on this important subject. He trusted, that the House would do justice to his country, and not only to his country but to themselves, for it was only through the side of his country that they could be struck at.

SUPPRESSION OF DISTURBANCES (IRELAND).] Lord Althorp moved the Order of the Day for the first reading of this Bill; and, on its being read, the noble Lord proceeded to address the House to the following effect:—I can assure the House, Sir, that in making the proposition which I am now about to submit to their attention, I deeply feel how difficult it must be for any man to address such an assembly as the present, and to ask such men as I now see assembled, to grant to any Government the powers I now come to seek at their hands. The whole course of my political life has been such as to make it against my opinion to come forward with such a proposition; and nothing could have induced me to do so except the feelings, which are strongly impressed on my mind, of the absolute necessity of the measure. As I feel I shall have to detain the House a considerable length of time, it is, of course, not desirable that I should preface my arguments by many remarks, and I shall, therefore, at once



proceed to the question now before the House, and state the grounds on which the Government feels called upon to ask the assistance of Parliament. I am aware that it is necessary for me, in order to lay any ground for this Motion, to prove, that the state of some parts of Ireland is such as to require some remedy of an extraordinary nature, and not only to prove this, but to show, that such is the state of those parts of Ireland, that almost any remedy is better than their present condition. I must show, in the next place, that the ordinary law is insufficient to afford such a remedy; and thirdly, I must show, that the provisions of the Bill, which I am now about to lay before the House, are such as will provide a remedy for those evils, to repress which the ordinary law is inadequate. If I am able to prove these things, I shall have made out a case—such a case as the Ministers are called on to make out, in order to justify the course they now recommend. In endeavouring to prove these things, I shall state the grounds which have induced me to think, that the case I have mentioned is fully made out. The first ground is the state of the disturbances in Ireland. The insecurity of life and property in which Ireland is at present placed, let it be owing to what causes it may be such, that unless it can be proved that another remedy would afford some alleviation of the evil, it does require the interposition of this House to provide the remedy I now propose. I do not know how I can better enter upon that part of the subject than by stating the number of cases in which the laws have been, not only grossly violated, but set at utter defiance. To enumerate these cases may be tedious; but, in a question of such interest as this is, in which the House will require strong proof in order to induce them to adopt such extraordinary measures, I think it is better I should be tedious, than that I should leave the case short of what I am able to prove. I will take this opportunity of observing, that the Motion which has been just made and withdrawn, is not indispensable. It is a Motion for an account of all the disturbances that have taken place within the last three years. It would be impossible at this moment, and in time for this discussion, to give that general return; but the statement I shall make will include the greater part of those particular instances, and give the sum total in a few

parts of Ireland at least. The fearful extent of the disturbances in Ireland is already well known. I am confirmed in that statement by the members for Ireland—by those who are most opposed to this measure—that the Whitefoot outrages have been of a most enormous description; and the hon. and learned Gentleman himself almost admits, that something like the Insurrection Act might [*Mr. O'Connell expressed dissent*]—at least, that persons ought to be prevented from leaving their houses at night [*Mr. O'Connell again expressed dissent*].—I understood that the hon. and learned Gentleman had been of that opinion; but, as he denies it, of course I must be mistaken, and I shall not press that point further. But the hon. Member did admit, that the state of Ireland was such as was most dangerous to the public peace—that in some parts of Ireland the peasantry were in arms—that the country was threatened by immediate insurrection—and that it behoved them to be extraordinarily careful as to the measures they introduced. That was the statement, as to the condition of the country, made by the hon. and learned Member—by that Member of the House who, I have no doubt, will offer the most efficient and powerful opposition to the Motion. The hon. and learned Gentleman supposes, that the contents of this box have been collected without the concurrence of the parties who are accused of the disturbances. The documents here contained are official documents—such as would have been laid on the Table of the House if the Motion of the hon. member for Cashel had been carried—such documents as would, if we had proceeded in the old form, have been laid before a Committee, and such as those on which a report would have been made by the Committee to this House. The first case which I shall state to the House is the case of the murder of a man named Farrel. A large body of men, some armed with guns and some with pistols, assembled in the month of February last, at Castle Comer, in the county of Kilkenny. They entered the house of Farrel, who was tenant of a person named Cavanah, and, in the words of a survivor, “without giving him one second to say his prayers, shot him, like a dog, through the head.” The next case is that of the murder of a man named Potts. That took place in March last. Potts was the engineer of a col-

liery in the county of Kilkenny; and that murder was committed at noon-day, in the presence of fifty persons, and within one quarter of a mile of the head-quarters of a regiment. Potts was shot at by four men, who, after doing this, walked quietly away. They did this in the presence of fifty persons, and yet no attempt was made either to arrest them or prevent the outrage being committed. The third case is that of the murder of a man named Marum. This occurred on the 27th of July, at the hour of between nine and ten o'clock in the forenoon. Marum left his lodge, which was close to a colliery, in the barony of Gouran, and within a mile of a place where an outrage had been committed some time previously. He went into a carpenter's shop, and had scarcely got in when three men came in, armed with guns, and shot at and wounded him, and then beat him down and despatched him with the but-end of their guns. This murder was perpetrated in the presence of a man and boy. The next case I will mention occurred in Cashel, upon the 26th of August. That was the case of the murder of William Shea, which was committed at five o'clock in the afternoon. He was murdered while sitting at the table of a room in a public-house, in company with two or three other men. The murder was committed by two fellows, who entered the room armed with guns, and having their faces blackened: they ordered Shea to go on his knees, and instantly shot him dead. The next case was one which had occurred at Portarlinton, on the 23rd September last. It was not a case of actual murder, but of an outrageous attack that might have led to murder. There was assembled an armed party of men, one of whom shot at another person and lodged some slugs in his breast, and the ruffians afterwards beat him most violently. The next was the case of the murder of Mr. Houston, who was a most respectable clergyman, eighty years of age, and who was murdered within one mile of his own residence. This murder took place on the border of Queen's County and Kilkenny, upon the 25th of October last. It is stated in the account I have received, that he was a most inoffensive and quiet man, and was generally respected. I believe, indeed, that he had been guilty of the crime of collecting his tithes. In this case, I know it has been stated, that the cause of the murder was in consequence of

a quarrel with a drunken servant upon his grounds, but the person, who was taken up immediately afterwards upon suspicion of having committed the murder, was not at all drunk; so that, if such an outrage could in the least degree be excused by such a circumstance—and in my opinion it cannot—that excuse did not exist in this case. Another case is that of a gross attack upon Abraham Maddox, committed on the 23rd of November last. An attack was made on the House in which he lived, and it was set fire to. Two constables had been placed there for its protection, one of them was immediately murdered, and Maddox's wife and daughter were so severely wounded that they lived only two hours afterwards; Maddox's son was also dangerously wounded. John Webb was the person at whose instigation this brutal murder was committed, and it appeared that he had been many months before dispossessed of some land by Maddox. That was one of the instances in which, after a long interval, the purpose of revenge had been shockingly accomplished. On the 5th of December last, an attack of a similar kind was made by a party consisting of about fifty men, upon the House of a person who had offended the assailants in a manner similar to that of Maddox. One shot had killed one man, and wounded another in the House, which was then set fire to and burnt, and several people were buried in the ruins. The reason for the attack was, that the former tenant had been ejected for non-payment of rent. In another case several tenants had been removed from their premises for a similar cause, and other tenants had been put into possession. A man named Joyce was one of these new tenants. His house was surrounded by armed men—the door was removed; it was set fire to; Joyce was dragged out to some little distance, and there shot dead. The same party afterwards went to the house of a man named Baldwin, and set fire to it; they then went to the house of a man named Maplesden; one of the party fired at and wounded him, and he was now lying in great danger of his life. I now come to the case of the county of Kildare. On the 10th of last January, a most cruel murder was committed at Youghal, upon a tenant of the Duke of Devonshire, a person of the name of Christopher Howard, who was shot dead in the presence of his brother and sister, by the party that attacked him.



He was a young man of good character; but the murder was committed in consequence of previous provocation. It was supposed, at least, that the man murdered had been one of a party to beat a tenant who occupied some land which Howard had formerly held. The provocation, no doubt, if it had been given, was gross and aggravating; but it was not to be revenged by a murder, an outrage of so much deeper a die. It showed, however, the state of Ireland in which such a provocation was held to be sufficient to induce a murder. The next case is that of a man who was charged on oath with sending the Whitefeet to shoot his brother. That case arose, I believe, out of some quarrel relative to the possession of three acres of land. That person has been committed to take his trial on this charge, and I shall, therefore, not mention his name.—[Mr. O'Connell asked for the date of the transaction.]—The date is the 25th of January. I have spoken of these, Sir, as cases of great outrage. I have selected them as such, and I lay them before the House, confident as to the impression they must create. I have detained the House some time in stating these cases, but considerable as is their number, they are not nearly so numerous as the cases I could have produced, had I gone through the whole list of those of which information has been furnished us. The next point is that which has been referred to so much by the hon. Member opposite, who says, that these outrages are not worse, nor more numerous, than they have been within the last two or three years. I shall be able to prove, Sir, in answer to that observation, that they have been increasing during these past years. The first statement I shall make on this part of the subject will not be by way of comparison, but to show the number of offences of an insurrectionary kind committed in Leinster, during the last year. That statement shows, that, during that period, the number of murders, or of attempts to murder, within the single province of Leinster, has been 163; of robberies, 387; of burglaries, 1,823; of burnings, 194; of houghing cattle, 70; of serious assaults, 744; of illegal notices, 913; and of wilful and malicious injuries to property, 407. If we compare that statement with the account of preceding years, the matter will stand thus:—In the three last months of 1829, the number of murders was 10; in the

corresponding months of 1830, it was 15; in those of 1831, it was 47; and in those of 1832, it was 44. It was in a slight degree less in 1832 than in 1831; but in 1832, there had been an increase of above fourtimes the amount of 1829. I shall take the three last months of these several years for the statement of other offences, and I find the account to stand thus:—In 1829, the number of robberies amounted to 69; in 1830, to 154; in 1831, to 152; and in 1832, to 173. Again, in 1829, the number of burglaries was 39; in 1830, it was 94; in 1831, it was 251; and in 1832, it was 532. In 1829, the number of burnings was 31; in 1830, it was 34; in 1831, it was 29; and in 1832, it had reached 77. In the year 1829, the number of cases of houghing cattle was 13; in 1830, it was 20; in 1831, it was 17; and in 1832, it was 31. In 1829, the number of cases of serious assault was 45; in 1830, it was 54; in 1831, it was 89; and in 1832, it was 235. In 1829, the number of illegal notices was 49; in 1830, it was 79; in 1831, it was 172; and in 1832, it was 197. In 1829, the number of cases of malicious injury to property was 44; in 1830, it was 59; in 1831, it was 67; and in 1832, it was 134. Taking the whole of these offences, which partook of an insurrectionary character, together, the total amount was—in 1825, 300; in 1830, it was 499; in 1831, it was 814; and in 1832, it had reached so high as 1,513; and all these were in the province of Leinster. I will now make a comparison of several counties of the province of Leinster with the whole province of Connaught—a comparison that I think will show, that it is not the peculiar distresses of the times that have occasioned the increase of crimes to which I have alluded. I will take the Queen's County first. In that county there have been forty cases of firing at the person with intent to kill. The number of similar attempts in the province of Connaught has been twenty-one; showing a majority of nineteen such attempts in the single county I have mentioned over that of the whole province of Connaught. In the same manner the number of burglaries has been 626 in the Queen's County; in Connaught it has been 345. In the amount of burnings there has been an excess in the province of Connaught over that of the Queen's County; the number of burnings in the former being ninety-four, in the latter forty-two. In the cases

of houghing cattle, the Queen's County exceeds Connaught in the proportion of 115 to 52; and there has been a similar excess with regard to cases of serious assaults. By serious assaults, I mean those which tend to the serious injury of the persons attacked. Those who suffer from such assaults would not, I think, be very nice in making distinctions as to the degree of violence with which they were attacked. The proportion of the crimes of this nature committed in the county of Kilkenny, as compared with the province of Connaught, was somewhat like that of the Queen's County. The excess of murder in Kilkenny was one—of burglaries it was 174; the excess of burnings appeared to be in the whole province of Connaught as compared with the county of Kilkenny by the number of sixty; but in houghing cattle, there were three more cases in Kilkenny than in Connaught, and a greater number of serious assaults by fifty-two. In the county of Westmeath, another of the counties of the province of Leinster, the numbers were in similar proportions. I feel that I have detained the House too long by this sort of detail, which in the hands of anybody must be tedious. I might go further, for I have other cases which it would be easy for me to adduce. I have stated those instances which were of the most outrageous character—generally where there was actual or attempted murder; and I will now, with the permission of the House, read some letters or extracts which seem further to illustrate the condition of the country. The first letter which I shall read is from the county of Kilkenny, and is dated the 21st of January, 1833, and relates to the transactions at Gouran:—‘We have to report, that outrages, last week, were on the increase chiefly on the borders of Carlow. So well are the proceedings of the Whitefeet arranged, that, at the very moment at which the police are ordered out, beacons are lighted as signals upon all the hills. It is dangerous to leave a small post of police, lest it should be overpowered; and, therefore, the duty is very heavy and harassing; and they are obliged to sleep by day, and to be out on duty all night.’ The next letter which I shall read from is dated the 15th of January last:—‘Being out, last night, with a patrol of police under my orders, I perceived, on a sudden, about two o'clock, fires lighted on all the hills.

‘Finding that the peasantry were leaving their houses, I felt it necessary to return to Gouran for a military force. I regret to state, that our party arrived at Gorebridge about a quarter of an hour after sixty armed men had paraded through it, and terrified all the peaceable inhabitants.’ The next letter is from the county of Louth, and is dated the 7th of January:—‘Numerous bodies of the peasantry were employed in patrolling the roads upon Saturday and Sunday night last, and in beating all persons whom they suspected of not being friendly to their objects. Two gentlemen, who were objectionable to them, took refuge in my gate-house; but in consequence of the violent language which their pursuers used, the keeper was obliged to open his gate, and then his two refugees were taken out and beaten. This happened at six o'clock in the evening. As relates to this part of the county of Louth, I have one fact to mention which may elucidate it. A farmer has been in the habit, for many years past, of lending me a winnowing machine; he has informed me, that he cannot lend it me again, as he has received intimation that his house will be burnt down if he does.’ The next communication which I have to read, is dated the 13th of January—it is from the same county:—‘Armed bodies of peasantry are perambulating the country, and taking arms from the farmers. On Friday night they broke into three houses. The majority of this parish is Roman Catholic. The lower orders are much terrified, as they see no means taken for the safety of the country.’ I have also another letter, dated the 2nd of December, 1832, stating that parties of peasantry are patrolling the country, and attacking the poor. I do not know, that it is necessary for me to go further into this detail of outrages. I will, however, state to the House, that the situation of Ireland is such, that applications for an increased force, for the preservation of the peace, have been made to the Irish Government by no less than thirteen different counties. The Irish Government have also received a communication from a respectable Catholic priest, complaining that he has lost his influence over his flock, and is unable to prevent them from engaging in the commission of these outrages. The House has already been informed by my right hon. friend, the Secretary for Ireland, that the number



of rewards offered for the discovery of atrocious crimes was 108, and that, of this number, no more than two have been claimed, or paid. It is quite clear that this result must be owing to the disinclination of persons to give information; for we cannot suppose—indeed I am quite sure that it is not the case—that the people of Ireland do not reprobate and wish to repress crime as much as others; and I only state the facts to show the extreme fears of those attacked and injured, that even where they have sufficient knowledge of the identity of the parties, they dare not come forward with information. I think I have stated enough to prove that the condition of affairs in Ireland at the present moment is one which requires an immediate remedy, and that his Majesty's Ministers would have failed in their duty if they had not endeavoured to put a stop to these outrages; but it was our great object not to require anything exceeding the ordinary powers of the law as long as any measure of greater power and severity could be avoided. When first we came into office, we found the county of Clare in a state of much disorder. A Special Commission was issued to try offenders, and the result was completely successful [*cheers from Mr. O'Connell and his friends*]. We afterwards pursued the same course in Queen's County; and let me ask those who cheer me, whether the result there was equally successful? The outrages in Queen's County have been continued, and I shall have an opportunity of stating what have been the consequences of that Special Commission. Some of the witnesses who came forward on the part of the prosecution have been obliged to quit the country. True it is, that disturbance was quelled for a short time, but it soon broke out again; and at this moment it exists to as frightful an extent as before the Commission went there. The expedient which succeeded in Clare failed in Queen's County. The second point I am to establish, before I can expect Parliament to confide to Ministers those extraordinary powers, is, that the ordinary law of the country is insufficient. I have stated, already, one respect in which the ordinary law is not sufficient, and I will now advert to others;—such I mean, as the intimidation of Jurors as well as of witnesses, which renders it impossible that the ordinary law should be executed, and it has therefore no chance of being

effectual in subduing outrage. I am quite aware—and the House will perhaps not be surprised to hear—that I cannot have many cases to bring before the House of intimidation of Jurors; but I have some, the particulars of which I beg to read [His Lordship, among his papers, here looked for a particular document, but not being able to find it, proceeded]; I believe I can state most of them from my memory, and if I succeed in establishing that a system of intimidation exists, or that it has been carried to a great extent towards those who have served, or were called upon to serve, upon Juries, it will be easy to imagine that it is no easy task to obtain Jurors. The case to which I particularly refer is that of the Jury at Carrickshaugh; and here I would observe, that I have nothing to do with the question whether the parties accused were guilty or innocent—whether the offence was supposed by some to have been established or disproved, is a matter, for my purpose, of no consequence. I only adduce the case, to show that some of the Jury who were thought to have been in favour of finding the prisoners guilty, received threatening letters, and some have been actually compelled to quit that part of the country, and to reside in Dublin. The house of one of them was assailed, and shots were fired into it, while a gentleman who was believed to have been favourable to the prisoners had his corn cut for him by the people. When his sister was engaged in a civil suit, threatening letters were sent to prevent witnesses appearing on the opposite side. Therefore, if such have been the case with one Jury (and that it has been so is notorious), it will not be very difficult to infer that it is the case with others through the country, although it may not be possible to prove any outrage actually committed upon a Juror [*cheers from Mr. O'Connell*]. The hon. and learned Gentleman seems to think that in this instance I am to act the part rather of an advocate than of a Legislator, and that I ought to make no admissions, called for in fairness and in fact, because they may happen to be in his favour. I can only say, that my object is to state the case as it is, and I beg to assure him, that whenever I come to any part of the case which makes for his side of the question, I shall have no hesitation in stating that also; so that, without injury to his cause, he might have spared some part of his triumph on this occasion.

Although no Juror may have received personal injury, the fact, as I have stated it, is not to be denied—that Jurors are in terror of appearing upon the trial of offenders. On a previous night, my right hon. friend mentioned the number of Jurors summoned on a trial who did not think it prudent to answer to their names. To this it was replied, that the Jurors absent might reside at a great distance; but the statement from Kilkenny upon the point is simply this—that we are not to expect, at the ensuing Assizes, that Jurors will be found to serve on the pending trials. This statement is made upon as good authority as it is possible to obtain. Further, as to the intimidation of witnesses, I mentioned that several had been compelled to quit Queen's County, in consequence of the evidence given before the Special Commission. First, there was Mrs. Brady, who has been driven from her house because her son prosecuted John Delaney, for the murder of her husband. James Daly, also, another prosecutor, was obliged to accept a situation in the police in a distant county, to secure himself from personal violence, and, perhaps, loss of life. Another witness, also, has been placed on the police, for the same reason. John Ramsey has sought refuge in the county of Antrim, and the family of Mr. Large has been obliged to be protected by two Constables, owing to the concern he had in the Special Commission, and a party of armed men was actually in search of Mrs. Large. Mr. Jacob, a gentleman, sixty-one years old, has been compelled to leave his house, in consequence of having proved the outrage at Maryborough, and the police with difficulty saved him from personal violence. A family of the name of Major has been driven to seek their bread in Dublin, in order to escape from threatened violence. Lieutenant Sherlock, although he had the protection of two Constables, has quitted his abode for the sake of personal security; he having prosecuted some persons to conviction under the Special Commission. Mrs. Dowling and family have abandoned their dwelling to save themselves from being murdered; and a Mr. Manley actually turned his nephew out of doors in order to show, that he had no concern in giving information against a man for robbing his house of a gun. I have stated these cases applicable to Queen's County, in order to show the effect of terror upon witnesses; and I

think, when the House sees—first, that the Special Commission in Queen's County has failed—secondly, that some Jurors in the Kilkenny prosecutions were threatened, and others rewarded—and thirdly, that those who gave evidence have been driven from their homes, or obliged to put themselves under the protection of the police, the House will be aware, that, at least as far as regards the province of Leinster, the ordinary law is not sufficient. The next point I have to prove is, that the Bill now on the Table is the measure which ought to be adopted, in order to supply the deficiency of the ordinary law. For this purpose, it will be necessary for me to enter into some explanation of the main principles of the Bill, to show how they apply to the grievances of which we complain, and that they are necessary for the protection of the peaceable inhabitants of Ireland. The strongest, and I admit without reserve, the most objectionable part of the Bill is that which, in certain cases, abolishes the Trial by Jury. The great object of this part of the measure is to do away with the effect of the terror now found to operate so strongly upon the minds of Jurymen; and here I may mention that various suggestions have been made by persons, who allow that, in the present state of affairs in Ireland, it is necessary to employ coercive measures; these suggestions have been offered with the view of dispensing with the military tribunals proposed to be established by the Bill; and I admit that, compared with the Trial by Jury, this mode of administering justice must be deprecated by all men. But this I must say, that every proposal as a substitute for these military tribunals seems to me infinitely more objectionable. It has been mentioned, among other things, that a Judge of Assize might be sent down to try offenders without the aid of a Jury; but, in my opinion, this mode of habituating the minds of the people to a new species of trial (for new it would be, and without a single precedent in its favour) by a Judge without the intervention of a Jury, would be more dangerous in itself, and more unconstitutional and detrimental, than the plan we propose. Another suggestion has been, that Barristers, appointed by the Crown, should try criminals without the intervention of a Jury. This scheme, in my mind, would be far more objectionable than the employment of a Judge of Assize; because the



selection would be made by Government, and it must be from Barristers who were in expectation of reward and promotion, in consequence of pleasing the Government; whereas a Judge who had risen to the head of his profession might be supposed, perhaps, above temptation. Such a precedent would be perilous to the Constitution, and faulty in principle, and therefore I object to it. The fact undoubtedly is, that if in measures of this kind we attempt to take a middle course, and to mitigate the excess of power beyond the ordinary law to such a degree as to make men regard it with less dislike than as Englishmen we ought to feel, we do more mischief than is occasioned by Bills of greater force and effect, inasmuch as we may induce those in power to bring forward their milder plans when the occasion is not so urgent as to demand them. Everybody will allow, and no one more readily than myself, that nothing but the most pressing necessity can warrant the course we recommend. Therefore I do not consider the dislike it will probably meet with among the people in some respects a disadvantage; and for this, among other reasons, I prefer the enactment contained in the Bill upon the Table. It has been called by some the introduction of Martial-law into Ireland, but it is, in truth, no such thing; it is not the establishment of Martial-law, but an alteration of the existing institutions, by requiring military tribunals to administer the Common-law. The next point for which it is necessary to provide is, the protection of witnesses; and it has been asked, what protection do you afford to witnesses in the Bill? Everybody acquainted with Ireland knows, that the principal danger to which witnesses would be exposed, would occur during the night; and in adopting to a certain extent the provisions of the Insurrection Act, we obtain the power to prevent the outrage on the persons of witnesses that would happen after dark. A main objection made to this concession is, that it gives the right of searching houses, and here I am quite ready to admit, that the authority should be guarded and limited in every way hon. Gentlemen can suggest for the defence of the subject. But they must not compare the state of Ireland with the state of this country—the existence of a legal authority with the existence of the Whitefeet—a state of peace and order with a state of tumultuous assemblies and murderous

attacks. The other part of the Bill which relates particularly to the Whitefeet outrages, goes to the prevention of signals, for the sake either of collecting a lawless force, or of giving notice of the movements of the police. The principle has been adopted from a law of this country, for the better prevention of smuggling, compelling a party in certain cases to prove the negative, that he did not make the signal for a malicious or seditious purpose; but it is not perhaps necessary for me to go into these details. I have, very indistinctly I am afraid, stated the grounds on which this measure rests, as regards Whitefeet outrages. I admitted, that it was necessary for me to prove that the state of Ireland was such as to require this extraordinary remedy, inasmuch as the ordinary law was not sufficient for the purpose, and that the provisions of the Bill are such as will enable us to remedy the existing evils. Having now gone through that duty, I hope and trust the House will agree with me that I have made out a case, at least as far as the Whitefeet are concerned. There is another part of the measure, and the only part of it, which extends to the whole of Ireland; for the House will not fail to observe that the portion of the Bill to which I have chiefly referred is only to apply to disturbed districts, or to districts which may hereafter be disturbed. I admit—nay, I avow—that so far it is a most despotic and arbitrary measure; and there is another part of it which is a renewal of the Proclamation Act. It has been said, that there is no connexion between the political agitation of Ireland, and these disturbances. Indeed, some Gentlemen have gone so far as to assert, that the political agitation in Ireland is a means of preventing the committal of outrages. I confess it appears to me extraordinary, for persons who have made most violent and inflammatory addresses, exaggerating to the utmost all the grievances of Ireland, because they end with the cobweb pretence of wishing for tranquillity, and recommending the people not to be guilty of a breach of the law—to contend that their speeches, in fact, allay the disturbances they seem intended to generate. The hon. and learned Gentleman (Mr. O'Connell), among others, maintained that political agitation would put down disturbance; and he seemed almost to insinuate that it

was in his power to put it down. I do not—I cannot believe it; I should be extremely sorry to believe it of any man, and least of all of him, that having the power to put down such outrages, he does not exert it. That he has as much power as any man ever possessed by his eloquence to excite the passions and rouse the feelings of the people, no man will deny; that he can raise the flame of discontent into open disturbance, is beyond dispute; but I will not do him the injustice—for gross injustice it would be—to suppose, that if he had the means of allaying the storm, he would fail to employ them. Without looking at any particular or individual cases, any man who reasons upon the subject must feel, that the violence of language at political meetings must produce excitement, and that excitement must tend to the continuance of outrage. In one case, a friend of the hon. and learned Gentleman—a self-styled pacificator—went a short distance from Dublin, and made a speech in the usual strain, complaining of grievances, exciting the populace, and ending, according to custom, with the usual hope that no breach of the law would be the consequence. During the ensuing weeks, five outrages were committed. It might be the result of accident, but the fact at least shows, that the conclusion of the orator's harangue had not the effect he pretended to desire. I do not say, that all the outrages have been the result of political excitement—by no means—but looking at the connexion which does exist between political agitation and outrage, there can be no doubt that the latter is promoted and increased by the former. Let us look also at the institution of what are called “Volunteers” in Ireland, who are to vest the civil government of that country in the hands of an irresponsible body taking it from those recognised servants of the Crown and people who are responsible. Every man, on payment of a shilling, may be enrolled in this corps of Volunteers; and let me ask, is it possible that the Executive of Ireland should consent that the preservation of the peace of that part of the empire should depend upon them? I have here, also, the speech of another pacificator—Mr. Steele—[Mr. O'Connell said, across the Table, that Mr. Steele was under prosecution.] Very well; it is of no consequence, and I will not use it; but the Volunteers are liable

to other objections. It must surely strike every man, that it is highly improper that the whole civil authority of the country should be placed in the hands of such a body, which may be converted into a most dangerous political engine, even to influence the votes of Members of this House. Already has its power been exerted, and certain Members have been denounced to their constituents; and I must say, that there never was an institution which more deserved attention, and more required remedy. I have thus gone over the grounds on which I hold it necessary to add this power to others, with the object of putting down Whitefeet agitation and disturbance; and, as to the arguments that may be used against the Bill, I am aware that they will be used with advantage by hon. Gentlemen who intend to resist its progress. It is impossible for any man to employ an argument more likely to gain favour with the multitude than that which is derived from a comparison of the state of liberty of this country with the supposed state of bondage in Ireland. We shall, doubtless, have divers declamations in praise of liberty, which no man wishes to gainsay; but the question is—is it from a state of liberty that Ireland is to be rescued? Is she not to be rescued from a state of great and severe tyranny? Is she not to be rescued from a state of anarchy, where life has no safety, and property no security? Liberty is something more than a name, and the benefits of liberty are the protection of life and property—the protection of every man in doing that which pleases himself, and is not detrimental to society. This is liberty and its benefits; and it is not liberty for a people to do justice neither to themselves nor to their neighbours, but to be subjected to the authority of self-constituted regulators. Another objection that has been urged against the measure which, as the organ of the King's Government in this House, it has become my duty to introduce, is, that the sole object of this measure is to enforce the collection of tithes. I can, with perfect sincerity, assure the House, that that is not the object of this Bill; and if the Lord Lieutenant, in the exercise of the discretion which this Bill confides to him, should apply it exclusively for the purpose of enforcing the collection of tithes, then I must say, that it would be a most unwise and improper exercise of that discretion,



If the Lord Lieutenant should proclaim a district merely because the tithes could not be collected there, then I have no difficulty in saying, that such an exercise of discretion would be directly contrary to the spirit and intention of the framers of this Bill, and to the wishes of his Majesty's Government. I think I have now touched upon all the topics connected with this subject to which it is at all necessary for me to call the attention of the House; but I, at the same time, greatly apprehend that, as it is so very unusual with me to address the House at such length, I may not have done anything like justice to a subject of such moment, and embracing so many and such various details. I felt, however, bound thus to occupy the time of the House, for, though common fame and the intelligence supplied by newspapers have made known some of the facts to which it has been my duty to advert, yet I will venture to say, that there is scarcely any person in this country who can have made the least approximation to a just idea of the real state of Ireland, or of the amount of outrage committed against person and property in several parts of that country for some time past. I have to move that this Bill be now read a first time.

Mr. Tennyson said, that though he was satisfied nothing but a conscientious feeling of duty had induced the noble Lord, the Chancellor of the Exchequer, to bring forward the Bill now under consideration, yet he (Mr. Tennyson) must confess, that the noble Lord had entirely failed in persuading him, that the ordinary exercise of the laws of the land would not be sufficient to put an end to the disturbances in Ireland. He had stated on a former occasion his readiness to grant additional powers, if necessary, to Government, to maintain peace in Ireland, and he was now ready to redeem that pledge; but he was not satisfied that the measure proposed was necessary to effect the object contemplated. He (Mr. Tennyson) had always understood that the Special Commissions sent by Government into the disturbed counties had been successful in producing tranquillity. He had never heard, that they had failed until he heard it now stated by the noble Lord. If the Special Commissions had failed, however, why had it not been so stated by the Government before the close of the last Session? The threats which were

stated to have deterred witnesses from appearing to prosecute, and which, according to the views of his Majesty's Government, rendered it necessary to introduce the present Bill, were used so long ago as the month of May last; and it was notorious, that Parliament was then sitting, and continued to sit for some months after. Why not resort at that time to Parliament for additional powers? If any of the Special Commissions had succeeded—and it was admitted that some of those Commissions had completely succeeded—why were they not followed up by others; or why was not a permanent instead of a temporary Commission issued? If it was intended to intimidate the disturbers of the public peace, it would be better done, in his opinion, by exercising the ordinary powers of the law, than by a fearful and extravagant experiment like that proposed. He had a right, also, to ask why the Government had not acted on the report of the Committee on the state of the Queen's County, made at the close of the last Session? That report, which was dated so recently as the 1st of August, was the result of the labours of a most intelligent Committee; it contained observations not merely applicable to the Queen's County, but to the whole of Ireland; and it recommended several measures by which the administration of the law might be strengthened without any invasion of the Constitution. He trusted that his anticipations might not be realised; but he feared if this Bill were carried, that it would produce an aggravation of all the evils it was proposed to remedy. He looked for nothing but a state of increased insubordination extending itself to parts of the country now comparatively tranquil; and he feared that the Government and the House would find, when, perhaps, it was too late, that the measure might demoralise, but could not tranquillise. The necessity for such a measure had not been shown. The difficulty of inducing persons to come forward as witnesses was mainly relied on, but the introduction of Martial-law did not meet that difficulty. Martial-law was not necessary to remedy the evil arising from the intimidation of prosecutors, witnesses, and Jurors. The noble Lord had in his pocket the Bill which was intended to meet this difficulty—the Bill for changing the venue. If witnesses were liable to popular resentment if they appeared before

a civil tribunal, would they not be as liable after they appeared before a Court-martial? But what was the tender mercy which witnesses were to get from those Courts-martial? If a witness was produced, and stated that he had no evidence to give against the prisoner—if he swore that he was not present during the commission of the outrage, or could not identify the prisoner, the witness, at the discretion of the Court-martial, might be subjected to the *peine forte et dure*, and be imprisoned for three months. He could assure the House that he rose in no spirit of hostility to his Majesty's Government. Gentlemen might put their own construction on his words, but he repeated, that he had no hostile purpose towards the Government in the proposition which he was about to make. The Government were proceeding in a course to justify the confidence which he and other independent Members of that House had expressed themselves willing to repose in them. They were introducing, day after day, remedial measures for Ireland; and it was his opinion that those measures would have a transcendent effect in tranquillising the political agitation of Ireland, and also in suppressing those predial outrages which, according to the noble Lord, were connected in some degree with the political agitation which prevailed in that country. If the Government depended on those remedial measures, he was decidedly of opinion that Ireland would be tranquillised before long. At all events it was the duty of that House to pause before the measure now threatened obtained its sanction. Mr. Barrington, in his evidence, which had been so often quoted, stated that many persons in Ireland would prefer Martial-law to the Insurrection Act, because they thought that if Martial-law was introduced, they should come to open war. The introduction of Martial-law, then, would be looked upon in Ireland as nothing short of a declaration of war. Government had introduced measures for the Reform of the Church, of the Grand Jury system, and of that great nuisance the Corporations of Ireland. Doubtless it was the intention of Government, at the earliest opportunity, to follow those great measures of relief by others, for the support of the poor and the employment of the working classes. All he asked from the Government was, to pass those measures, and give a little time for them to act upon the good and generous

feelings of the people of Ireland. If the Government did this, he believed they would tranquillise Ireland, without taking on themselves the responsibility of such a dreadful measure as that now proposed. Let him not be misunderstood. He did not deny, that the statement made by the noble Lord called for the serious attention of that House. The noble Lord certainly had gone through a fearful catalogue of crimes. He was willing to strengthen the hands of the Executive, but he could not agree to a suspension of the Constitution. He had voted for the Bill introduced by the right hon. Baronet (Sir Robert Peel) the member for Tamworth, for putting down the Catholic Association; and if the Government could prove, by anything more than mere assertion, that the new association established in Ireland, under the name of Volunteers, was a mischievous and dangerous association, he would vote for a measure similar in principle to the Proclamation Act—he meant the 10th Geo. 4th, c. 1. for the purpose of putting it down. He was willing also to give power to Magistrates, attended by a sufficient military force, to enter and examine the houses of suspected persons at night; and he would not object to having a slight punishment imposed, in the first instance, on those who were absent from home, and not able to account for their absence. Anything fairly required to render the law effective, he was disposed to grant; but he was not prepared for the consequences of such a measure as that now proposed either in Ireland or in this country. What security was there that such a measure might not be introduced by the present or some future Government in this country, upon any occasion of temporary excitement and disturbance? In his opinion no case had been made out for a measure more violent and despotic than any hitherto introduced in that House. The severest enactments of the Whiteboy Act—the Insurrection Act—the Proclamation Act—the *Habeas Corpus* Suspension Act, and Martial-law, some of which had only been tried in cases of open rebellion in Ireland, were all clubbed up, and embodied in this short Bill. For his part he did not think that the House was called upon to pass such a measure upon the statement now made, and he should, therefore, move, by way of amendment, that the Bill should be read a first time this day fortnight.



Mr. *Edward Lytton Bulwer*, I shall accept the hint of the noble Lord, and take the least dispassionate, if not the most Constitutional, view of the argument. I shall leave it to others to oppose these laws, because they are tyrannical and oppressive. I will oppose them on the ground to which the noble Lord invited me, because they will be inefficacious—because they will not obtain the objects for which they are demanded. Hon. Members must not suppose, because I or other English Members oppose these laws, that they deny the crimes that exist in Ireland—or that they are unwilling to co-operate with Government in devising some remedy for those offences. What we complain of is—first, that these powers will not contain the remedy; and, secondly, that even if they did, the remedy will be worse than the disease. I contend that the remedy is worse than the disease—a violation of law is a terrible evil—a suspension of law is a still greater one. It is useless to read a catalogue of crime—that is not the question—prove to us how these laws will be applied to the crime—it is useless to tell us, that in the present system there is evil and danger; prove to us that there will be less evil and less danger in the law you demand. I say these laws will not obtain their object—in the first place, what are the crimes for which the noble Lord demands them? Not for ordinary offences—no, for the crime of murder. It was instances of murder that the noble Lord had adduced. Will it be believed, that murder is the very crime these laws do not embrace? Your Court Martial is to sit upon capital offences, but can only transport for life. Murder is not a transportable offence. It does not receive, then, its sentence from the Court to be established. You deal only with subordinate offences—you attack the misdemeanor, and you leave the crime. Again, what is the great grievance complained of by the noble Lord in the administration of justice? That the witness dares not give evidence in a Court of law—that a son shrinks from arraigning the murderer of his own father. A terrible proof of the disorder to which a legislation of long and unvaried coercion has brought that unfortunate country. I join in lamenting it—I will join in devising cures for it; but there is no cure for this contemplated in your new powers. The witness would be exposed to exactly the

same danger under the Court Martial as in the Court of Law. You may compel him to give evidence by the threat of imprisonment; but when he has given his evidence, how will you protect him? He will be exposed to the same danger—the same did I say? No, to a much greater danger. For the new tribunal will be more odious than the old; and in proportion to the odium of the tribunal, will be the vengeance against the witness. Oh! but say his Majesty's Ministers, we shall pacify the country, and thereby disarm intimidation, and then the witness will become safe. Before you have pacified the country, I apprehend that some half a dozen witnesses will be shot at, in order, perhaps, to encourage the rest. But pacify the country—pacify it by domiciliary visits, by Court Martials—by —. Oh, rare pacification. The right hon. Gentleman has not been to Ireland in vain. He has learnt, at least, the science of practical bulls—he would pacify a country by maddening its people! But what is this tribunal itself? You take away the Court of Law because you say it cannot, under existing circumstances, be a fair Court for the plaintiff. You appoint, in its stead, a Court Martial, which, by no possibility, can be a fair Court for the accused! Sir, I will not say as my Lord Holland did—my Lord Holland, one of his Majesty's Ministers, upon the proposition of continuing Martial Law in Ireland—I will not, like him, speak of a Court Martial as a Court which, under no circumstances, could be legally adopted—I will not speak of it as a Court governed only by passion and caprice. But I say, on the contrary, that more humane and honourable men than British officers do not exist. Yet, how, with all their high and strict code of opinion—how with that spirit of discipline which with them is a principle of virtue—how is it possible that they can be impartial judges in political offences—in offences of insubordination? If there be a man in the world more proverbially gentle and humane than another, it is Major Wyndham—the defendant in Somerville's memorable case; and if in political offences—offences of even supposed insubordination, passion could lead even such a man to injustice, how can you hope that the same causes will not operate to produce partial bias against peasantry accused of the same offences of political audacity and insubor-

dination to their superiors? But how much more will this unconscious partiality—still more dangerous, because unconscious—be increased by actual events? The military are to assist the police in conflicts with the people, and then they are to judge the people; they are to be in the contest to-day, and on the Bench to-morrow; with all the passions of antagonists, they are expected to have all the moderation of Judges. Why, Sir, what sort of tribunal is this? This impartial—this cool—this unbiassed? You say, that these officers are free from the prejudices of the Magistrates. It is an error—it is with the Magistrates—with the provincial gentry, that they will habitually mix. From whom can they, ignorant of the country, take information, but from those persons with whom society brings them into contact? They will see with the eyes of the Magistrates—it is their opinion they will represent, and according to their partialities will they judge. Thus, then—I beg hon. Members to mark this—thus you are about to suspend the Constitution, to inflame all Ireland, to outrage all liberty, for the sake of appointing a tribunal which does not possess the requisite qualities fairly to adjudge the offence—which does not give the necessary protection to the witness—which does not meet the very crimes, for which alone you ask us to appoint it. If these laws only touched, only threatened, the guilty, I should recoil from so terrific a precedent; but they menace the innocent also. If you suspend the Constitution, you suspend it for all alike—you make no exemptions from the dread ban of general excommunication. You subject the innocent and the guilty alike to spies and informers—to the arbitrary perils of suspicion—to those dark uncertainties of terror in which every man stands in fear of his neighbour. You give temptation to the accusation of private revenge; you give a field to all the mercenary, all the malignant, all the individual motives, which are ever brought into operation by the suspension of law, and the insecurity of political freedom. The right of petitioning—is that the right of the guilty alone? Have not the innocent grievances to complain of? If not, why do you pass your remedial measures? Why do you reform the Church? Why do you amend the Jury Laws? Why do you allow that these are but the commencement of more comprehensive re-

dress? You allow there are great grievances remaining, and you take away from those who endure them the simple privilege of complaint. Does that law touch the guilty alone? Does the right of forcibly invading houses by night, where you merely suspect the inhabitant—does that touch the guilty alone? When this law was in force before, men turned it to the most fearful purposes; it was not the peasant who was invaded in his own person—he was outraged in that of his sister or his wife. It was a law that operated not for a trembling landlord, but for the daring violator—not in behalf of the security of property, but against rights still more sacred than even property itself. It is in recollection of this state of things that the Chief Justice of Ireland—a man whom I name with all respect, and an authority of weight, I presume, with the right hon. Gentleman opposite—said, in his address to the Jury, that he remembered the date of the summary Insurrection Act, and the still more summary Court-Martial, and that no description could convey an adequate notion of the horrors that then existed. And by whom is it decreed that these horrors, of which no description can convey an adequate notion, are to be revived? By the most liberal and enlightened Ministry that, with respect to the affairs of England, this empire has ever known—by the very men who, in times of greater danger—times not of peace, but of war—not of robberies, but of rebellion—stood foremost, and boldest, and loudest, against the enactment of the very laws they now call upon us to pass. We take the time for exercising new coercions at the very moment when, by our new experiment of conciliation, we have virtually declared that seven centuries of coercion have been unavailing. Why, Sir, not embrace the Amendment of the right hon. Gentleman? Why not wait to try the result of that experiment? Why not wait to see the consequence of our new measures of Reform? I am sure that no people on the face of the earth can be governed by the system his Majesty's Ministers propose. To-day concession—to-morrow coercion. This quick alternation of kicks and kindness—this coaxing with the hand, and spurring with the heel—this system, at once feeble and exasperating, of allowing the justice of complaint, and yet of stifling its voice—of holding out hopes and fears, terror



and conciliation, all in a breath—is a system that renders animals and men alike—not tame but savage—is a system that would make the most credulous people distrustful, and the mildest people ferocious. Your object is to govern Ireland. I allow it is no easy matter. Wherever a highly civilised people is united under the same Constitution with one less prosperous and less enlightened, the task of Government is no sinecure. We must, as practical statesmen, in such a case look not only to abstract measures, but to the complex and varied state of those parties, on whom the measures must operate. Ireland is divided into two parties—the Protestant Aristocracy, and the Catholic population. You must govern Ireland by one or the other of these parties, unless, by a happier policy, you can procure the united confidence of both. But the system proposed by his Majesty's Ministers, instead of making friends of either party, makes enemies of the two. By your measures of Church conciliation you offend the Orange Aristocracy—by your measures of military coercion, you incense the body of the people—you pass a scythe under your power in both parties—you make one enemy of all Ireland. Can anything be less politic or less statesman-like? You throw away the conciliatory measures—you get the odium for them, and not the gratitude. Do what you will—if you pass these laws, I warn you that it will be in vain. You can never counterbalance, in the opinion of the Irish people, this attack upon the vitals of their freedom. No individual reforms, however salutary, can pacify or content a nation that you rob of its Constitution. It would be much wiser to be consistent in a harsh policy than weak and contradictory in a mild one. If you make these laws, you ought to suit your other laws to them—if the country is in a state to require these powers, it is not in a state to receive the benefits you offer it; it cannot be fit at the same time for an improved code of laws and a Court Martial as a judicial body. It is said, that these powers will be placed in merciful hands—and be administered with all the mildness of arbitrary benevolence. But how can his Majesty's Ministers answer even for this? How can they answer for the mercy of their military delegates? Mercy and these laws are incompatible. The mildest administration of such powers would be severe, because

their victims will never recognize them to be just. Mercy, too, would be an inhumane policy. If you obtain these powers, exercise no mercy. If you allow the people a hope of escape, you may be sure that they will tempt great dangers to resist so obnoxious a state of law. An unpopular law mercifully administered is only an excitement to crime. No, you can show no mercy. The most humane policy will be to gorge the law as expeditiously as possible, so that we may return the sooner to the natural and healing tranquillity of the Constitution. After the reception that has been given to the right hon. Gentleman's disavowal of hostility, it might be useless in me to state, that, however weak and ineffectual my opposition to this Bill may be, it ought, at least, to have this weight—it comes from one who does not oppose his Majesty's Government generally. I do not agree with some hon. Members in suspecting their future policy with regard to England; nor do I agree with other hon. Members in attributing to them dishonest motives with regard to their conduct in Ireland. I support the Government when I conceive them right. I give them the same support when I think their conduct doubtful, for I will then give credit to their intentions, and estimate their difficulties. I oppose them only when I do from my conscience believe and feel them to be dangerously wrong. I would wish, even in this Bill, to meet as far as I can, their views and objects. I do not ask you to alter the Bill—only delay the Bill—try what even three weeks will do; if then there is no progress to a better state of things—(I say progress, for you cannot expect more than progress even if you pass the Bill—you cannot cure the evils of centuries in a day), come down to this House and pass the measure. I do not say, then, that I would ask for no amendment of the detail; but only show me this decorous and honourable reluctance to pass the Act, and I, for one, will, though I may still condemn, no longer oppose the principle. In this haste there is no show of moderation. A bill that changes liberty into despotism is hurried through the Lords in one week, brought down to this House, and you refuse us the delay—the inquiry of a fortnight. With what consistency can this House oppose itself to so trifling a concession? It required two years to amend the Constitution of England. Shall we not wait two weeks before

we unmake the Constitution of Ireland. You will lose nothing by delay. Ministers allow, that if they obtain this law, they will not call it into operation at once; they will not use it unless some necessity demands. Why not let it rest in this House as well as in the hands of the Government? Why should the Ministers rush so hastily into the odious responsibility of this dangerous power? Let it rest unaltered, un mutilated, in this House; postpone it only from week to week, ready to be passed the instant it is required; passed too with less delay and less acrimony than at present; with much less excuse for prolonged and detailed opposition—much less reluctance in the English Members—much less procrastination—much fewer adjournments and debates—I will venture to say, even from the most indignant of the Irish Members themselves. The same purpose of terror will be answered; the Irish people will equally see this armed law hanging over their heads—they will see at what penalty they must incur crime. Thus, perhaps, you will obtain all the good that the passing of the law can secure, but without the same actual and formal violation of liberty—without provoking the same exasperation, or incurring the same responsibility. Let us, then, try this experiment—let the Government make this wise pause—they will lose nothing by it; they may gain much. No one can blame them for cowardice, for reluctance, in a little while suspending a law by which the Constitution itself is suspended. In the observations I have made, I have endeavoured to show that these new powers are not effective because they are violent; that they will not constitute an impartial tribunal, nor protect the witness, nor meet the crimes for which they are demanded; that they confound in one blind punishment the innocent with the guilty; and, that forming part of a contradictory and jarring system, they suffice to annihilate the benefits of conciliating one party without the advantage of conciliating the other. This is not all. You desire them to put down the Political Associations as well as those that are combined only for plunder. You may do so, but you will only throw the eruption into the Constitution—you will only destroy the outward sign of the disease, by increasing its inward violence. We are the true quellers of agitation, who would give no cause to agitate. We are the true tamers and masters of the learned

member for Dublin, who would take from his hands his only substantial power—the power of just complaint. You flatter yourselves, that under shelter of those laws you will be able, with effect, to apply your remedial measures: it is just the reverse—they will blight all your remedies, and throw their own withering shadow over all your concessions. I do not fear an open rebellion against the armed force and discipline of England; but if you madden the people, it is impossible to calculate the strength of insanity. But I allow, that an open rebellion is the least evil to be feared—I fear more a sullen, bitter, unforgiving recollection, which will distrust all our kindness, and misinterpret all our intentions—which will take all grace from our gifts—which will ripen a partial into a general desire for a separate legislation, by a settled conviction of the injustice of this, so that at last the English people themselves, worn out with unavailing experiments—wearied with an expensive and thankless charge—and dissatisfied with a companionship which gives them nothing but the contagion of its own diseases, will be the first to ask for that very dismemberment of the Empire which we are now attempting to prevent. I shall conclude with a very few words, to be found in one of the most splendid orations that adorn our time—I mean the speech of Lord Brougham, on the second reading of the Reform Bill. I quote it not as an instance of inconsistency—this question is far too wide to be reduced to the petty criteria by which individuals are acquitted or defended. I quote it only as an instance of that large and Catholic wisdom which is applicable to all circumstances and all times. In answer to some observations which had been directed against political associations, Lord Brougham said, “Those portentous appearances, the growth of later times—those figures that stalk abroad, of unknown stature, and strange form—unions, and leagues, and mustering of men in myriads, and conspiracies against the Exchequer—whence do they spring, and how come they to haunt our shores? What power engendered these uncouth shapes—what multiplied the monstrous births, till they people the land? Trust me, the same power which called into frightful existence, and armed with resistless force, the Irish Volunteers of 1782—the same power which rent in twain your empire, and conjured up thirteen



republics—the same power which created the Catholic Association, and gave it Ireland for a portion. What power is that? Justice denied by the right of petitioning—rights withheld—ay, Trial by Jury—wrongs perpetrated—yes! domiciliary visits!—the force which common injuries lend to millions. This it is, that has conjured up the strange sights at which we now stand aghast! And shall we persist in the fatal error of combating the giant progeny, instead of extirpating the execrable parent? Good God! Will men never learn wisdom, even from their own experience?\*" From their own experience! I repeat the interrogatory of Lord Brougham, and I add, will you not learn wisdom from the speeches of Lord Brougham himself. He added, "Nor can you expect to gather in any other crop than they did who went before you, if you persevere in their utterly abominable husbandry, of sowing injustice and reaping rebellion."†

Sir John Byng observed, that he had enjoyed many years of happiness for which he was wholly indebted to Ireland, and for which he felt that he could never make any adequate return. He was also connected with that country by ties of birth and property, which circumstances would prevent him from listening with apathy or indifference to any measures which might be proposed for her better government. He might, therefore, with great reason, assert, that he was extremely reluctant to admit the necessity for adopting such a measure as that which the noble Lord had brought forward; but notwithstanding this, so reluctantly disposed as he was to take so desponding a view of the condition of Ireland as was taken by the noble Lord, he was sorry to say, that he considered the present measure to be but too necessary for the preservation and protection of life and property in that country. Although it was said, that the reports which the Government had received from Ireland relative to her actual state were greatly exaggerated, the House ought to recollect, that the Government did not receive these reports exclusively from the police officers or the Magistrates, but that those reports were confirmed by the accounts received from military officers stationed in Ireland of known intelligence, and whose testimony was perfectly unpre-

judiced. He requested the right hon. Secretary for Ireland to state whether the most valuable and useful reports which Government had received lately as to the state of Ireland had not been received from the military officers in command of the troops there? In fact, those gentlemen were obliged to be so constantly on the alert, and were such frequent witnesses of the scenes which took place there, it was impossible for them to be other than the best witnesses. It had been asserted by several hon. Members that the disturbances and threats which were constantly taking place in Ireland had no connexion whatever with political discontents: he only wished, that he could say that such was the fact, for every circumstance which came to his knowledge, in consequence of his connexion with Ireland, taught him, that political agitation was the sole source of all the disorder which was now going on. It had come within the scope of his own knowledge that a friend of his had been marked out and threatened with vengeance on account of his political opinions. When he declared his intention to support the Bill brought in by the noble Lord, he simply meant that he approved of its general outline. He had no wish to enter into the details, but he wished to guard himself against the supposition of his being willing to agree to them without examination. There would be a future opportunity for going into them, and for that reason he declined saying anything at present upon that subject. One objection had been urged against the employment of military officers in Courts-martial, which was, that one day they were liable to be employed in hunting out and seizing such persons as they thought were objects of suspicion, and the next they were liable to preside at the trial of those very persons whom they had assisted in apprehending, and against whom they were, in some degree, witnesses. Now, he apprehended that no such proceedings were likely to occur, for a sufficient number of troops would be provided for the service, so as to enable the executive to be totally distinct from the judicial portion of the military officers. How far military officers were the persons who were best fitted to form proper tribunals to pronounce upon the guilt or innocence of these persons it was not, perhaps, for him to say; but he could not help remarking, that a clear judgment of the habits of decision,

\* Hansard, (third series) viii. 269.

† Ibid. p. 274.

which military men in general possessed, fitted them well for the office which was to be intrusted to them. A great advantage would be gained by the quickness with which the cases would be disposed of, compared with the dilatory proceedings of the ordinary courts. As to the proclamation of martial law, all he had to say was, that two years ago the parties most interested on both sides urged him, as one of the Privy Councillors for Ireland, to use all his influence with the Marquess of Anglesey to get martial law proclaimed there. It had also been said, that young members of Courts-martial were more particularly objectionable, because, from their habits of obedience to their superior officers, they were liable to be biassed in their judgments by those of their superiors. He could only reply to this, that if he wished to influence young officers, he should think his object best effected by not saying one word to them upon the subject. There was, however, no person in that House who objected more strongly to the general principle upon which martial law was introduced in civil cases; but he was also of opinion, that when the necessity was made out, the decisions of those courts were founded on as true a regard to justice as those of any civil court; and although they were not frequently reversed, the sentences were still subject to be sent back for revision. Two years ago the people in Ireland asked for the Insurrection Act, for then, they said, they would have some excuse for keeping at home during the night, which they were compelled not to do under the system which was imposed on them. If the Bill was not carried, he was convinced that their refusal to pass it would throw the first stone at the separation of the United Kingdom. The first duty of a Government was to afford protection to the lives and properties of the subjects, and failing to do that in Ireland, they failed to perform those duties which devolved upon them.

Mr. Grote said, that it was not without considerable reluctance he presented himself to the notice of the House. He sincerely regretted to find himself for the third time compelled to support an Amendment upon a Motion of one of the members of the Government; but he nevertheless could not shrink from performing his duty. He could not help commenting on a measure which the noble mover of it

himself had designated as arbitrary and despotic. He ought, perhaps, to have given the precedence to some Irish Member, better acquainted with the question before them than he was, and more interested in it. His defence would be, that he felt upon the question, and on the present occasion, that he was as much an Irishman as an Englishman. Such was his feeling, and he hoped that it would be, as it ought to be, the feeling of every English Member in that House. As Louis 14th said, formerly to his grandson, when sending him into Spain, "My son, recollect that the Pyrenees exist no longer," so he would recollect that there existed no longer any Irish Channel, and draw no line of distinction between the two countries. He made no distinction, and he felt as much interested in the happiness and prosperity of Ireland, as he did in the happiness and prosperity of England. There was no difference in his sympathy—it extended equally to both sides of the Channel. Having made these few remarks, he would now say, that in spite of the respect he felt towards the quarter from whence the projected measure came, he could not give it his approval. It contained, he granted, some wise and tutelar provisions; but, taking it as a whole, he considered it as unlikely to attain the end for which it was destined. He could not speak of it but as a most revolting measure. He had listened patiently to the long catalogue of Irish enormities which the noble Lord opposite had laid before the House. Such a catalogue contained nothing new to him, as it was not the first time he had heard that the Irish were a lawless people, who were not to be bound down by Courts of Justice. They ever had been a lawless people, and the noble Lord had not sufficiently dwelt upon that fact. If the noble Lord had done so, then would it be for them to examine and see whether the tribunals already existing were not sufficient to try the offences that might be brought before them or not, and whether the police were sufficiently strong to execute the orders of those tribunals. If not, they should be strengthened, for that would be making strong the hands of justice. The hands of justice should be strengthened; but in doing so, a new species of injustice should not be introduced, as would be by the present measure. If they reflected, that when a man was brought before a Court of Justice, the



only security he had for the establishment of his innocence was in the impartiality of the tribunal to which his fate was intrusted, he put it to the House whether a court-martial, constituted as those courts-martial were to be constituted, was likely to be impartial; or if the Members of which it was to be composed were likely to go to their task with those feelings of candour and desire for justice, which a Court of Justice ought to have? He knew that the officers composing those courts would be so far perfectly impartial, that they would not bear spite to any individual who might be brought before them; but could it be supposed that they would be without some feeling of antipathy and provocation, knowing previously that they were in the disturbed districts? They might consider it as important that they should condemn as many as possible, as examples to the rest; and it would, therefore, be an object to condemn where there was even a colour of evidence, however slight that evidence might be. It was hardly necessary for him to take part either for or against; but he considered it a property of a soldier in every age, not to be so particular about evidence in such cases as Courts of Justice should. If the House thought that those courts-martial would be impartial, did they yet think that they would look to the cases with that discrimination which was necessary to the ends of justice? Were they to balance conflicting testimony so as to elicit the truth? Were they to examine witnesses with that care, anxiety, and patience, which was necessary in order to discover the true circumstances of every accusation—a duty difficult with any, but more especially with an Irish witness. If tribunals constituted, so as to form the foundations of our Constitution, and the safeguards of our liberties were liable to mistakes, what would be the case with tribunals constituted as these courts-martial were likely to be? And the worst part of the system was, that if they did commit mistakes, they were generally on the side—not of mercy, but of severity. It was astonishing to him to hear the noble Lord object to sending down Judges of Assize to the disturbed districts instead of adopting those courts-martial. If that suggestion had been acceded to, he would have had less objection to this Bill; for he thought that in some circumstances it might be desirable to dispense with Trial by Jury. In looking to the different

clauses of the Bill, he could not help observing one clause which was likely to render the evils, which he had already described as the probable result of those military tribunals, still more grievous. He alluded to that clause which made courts-martial responsible for misconduct to other courts-martial—and to those only. He would ask if it were to be imagined that an officer brought before another court-martial was likely to suffer for any abuse of his power in the exercise of his duty while on these courts-martial? It was not to be expected; for the *esprit de corps* was so strong among the officers, that the condemnation of a military man for a military offence would be found extremely difficult. When he looked to the Bill, and saw that military men only were to be members of those Courts-martial, and when he saw, as appeared by the 37th Clause, that “In case of a verdict for the plaintiff in action for false imprisonment, or entering a house, if it appears to the Judge that there was probable cause for so doing, and he certifies accordingly, the plaintiff shall recover only sixpence damages, and not the costs of the suit; the plaintiff shall recover treble costs if the Judge certify the act to be malicious;” he would say, that it would deter all men, however much aggrieved they might feel, from complaining, as most men would prefer to have their grievance unredressed, to the risk of being mulcted in treble the costs of suit. He put his objection to the Bill on two distinct grounds. He objected, in the first place, to that part of it which subjected Ireland to the government of military tribunals; and in the second place, he objected to that part which prohibited public meetings and the right to petition. The prohibition of the constitutional right to petition would not, he conceived, either add to or diminish by one jot the outrages in Ireland. They would not advance one step towards the tranquillization of that country, by denying to the people the right of petitioning against public grievances. Whatever might be said as to the difficulty of obtaining evidence, or as to the necessity of arming justice with powers which would make it swift and strong, as well as sure, he (Mr. Grote) could not admit that to be a sufficient ground for depriving Ireland of its great constitutional right. He was sure they had not arrived yet at the period when the relations between the governors and the governed in that coun-

try were so pure, and so free from suspicion, as to enable the people to dispense with all the bulwarks of the Constitution. There were abundance of grievances yet to redress in that country—not that he charged the present Government with being the authors of them, for they existed long before the present Ministers came into power—but they did exist, and he thought it would be wise as well as delicate in the Government to pause before they shut the door against all the public complaints of the people of Ireland. On these grounds he would protest against that part of the Bill which suppressed public meetings, and the right to petition, fully as strongly as he would against the part which placed Ireland under the dominion of Courts-martial. He would likewise beg to remind the noble Lord opposite, that it was very doubtful if the country was in such a disturbed state as to warrant the measures proposed, even if they were otherwise unexceptionable. Many who were well acquainted with Ireland thought not. He would instance two, who were well known to the Government and the country, who were of that opinion—he meant Sir John Harvey and Mr. Barrington, both of whom denied that the state of Ireland was so disturbed as was represented. There was nothing laid before the House sufficient to show that the state of that country was such as to justify the House in passing this harsh measure. He hoped, therefore, that they would pause until sufficient evidence was laid before them, for he begged of them to recollect, that in passing this Bill—in suspending the *Habeas Corpus* Act, they were placing the life of every man in Ireland at the discretion of Government and the military. He trusted, that Government would reconsider the matter, and would give the House time to obtain evidence of the necessity of the measure, as was suggested by the hon. member for Lambeth. It was absolutely necessary that they should have evidence to enable them to see the way before them, and to judge of the wisdom and expediency of it, before they proceeded to pass one of the harshest measures which was ever passed in a British Parliament. He thought, that if the noble Lord gave the House time to take evidence, and if the evidence when taken confirmed the necessity of the measure, it would relieve the noble Lord of the great responsibility which he must

now bear if he pressed the House to pass it on no other evidence but the statement made to-night by him. He concluded by saying, that he would give his firmest support to the Motion made by the hon. member for Lambeth.

Captain *Berkeley* believed, that no man in that House could give his assent to the Bill before them, except he concurred in opinion with the noble Lord—that the increase of crime in Ireland was somehow connected with the existence and growth of political associations there. Now he had been induced to go over to Ireland through motives of amusement, and became, as he had reason to believe, intimately acquainted with the habits and feelings of the people. In order to establish that position, he would mention a few facts which happened to him in the county of Kilkenny within the last three years. During the first part of his residence in that country, the amusement of fox-hunting, which he occasionally followed, brought him often in contact with the people. He was frequently benighted in the most dreary and lonely situations, and occasionally he lost his way, but he felt himself, even when benighted, quite at his ease; and never hesitated, nor had the least fear, however lonely the place, or wretched the hovel, to go up and inquire his way to Woodstock, the seat of his hospitable and popular friend Mr. Tighe. The merely mentioning that he was a friend of Mr. Power, of Kilfane, was to himself a passport, and a source of immediate protection and safeguard. He was sure that many Irish Gentlemen in the House would bear him out in saying, that there was no better landlord or better man in Ireland than Mr. Tighe, or a more generous landlord than Mr. Power. He would prefer being benighted in Ireland at that time, to experiencing the same accident in many parts of England. This was in 1829. But then came 1830 and 1831, when the noble Lord now at the head of the Woods and Forests vacated his seat on account of taking office. Till that time agitation had not reached the county of Kilkenny; but soon afterwards the county was overrun with agitators not belonging to the county, who endeavoured to rouse the people to petition for the Repeal of the Union. At his former election, the noble Lord was drawn in his carriage by the populace for ten miles to Thomastown. This was



some months before political agitation had arrived at any great height. Now, let the House come to consider whether political agitation did or did not increase crime. When the election came on, those who dared to vote for the noble Lord were way-laid on their return, by that populace who had previously drawn the noble Lord in triumph, and were, by them, beaten and maimed. Their farming utensils were destroyed in the night, and, amongst other outrages, a fine orchard of young and fruitful trees was cut down. From the difference which he saw in the conduct of the people, he thought that being out late at night in the county of Kilkenny was no longer safe. He mentioned the circumstance to some of his friends, and said that, if he were not an Englishman, and afraid that they would laugh at him for his fears, he would travel with pistols in his pockets. They, however, turned up their coats, and showed that, with respect to carrying pistols, they had forestalled him. Such was, at last, the state of the county, that Mr. Power, that most popular man, came to him, and requested, as a personal favour, that he would not follow the hounds, unless the whole of the gentlemen were present, for if he did, the loss of his (Captain Berkeley's) life would be the consequence. ["Oh!" from Mr. O'Connell.] The hon. and learned Gentleman called out "oh!" If he could contradict this statement, let him do so. Nor did it end there; for shortly afterwards some of Mr. Power's hounds were stoned to death. Did the House think that this outrage was committed because Mr. Power was a harsher man, or a worse landlord than he was formerly? Had he then become a worse man or a worse landlord? No; but he dared to vote, according to his conscience, for the noble Lord. He would go further, and say, that the tithe question was forced forward to assist in achieving the Repeal of the Union. He had himself gone into the cabins of some of the peasantry, and he had asked them, why they supposed that those who had recently been their friends were now their enemies? The only answer he had obtained was, that those persons were the enemies of their country, and, through those intrigues, the odious name of "Brunswicker" was affixed to those who had uniformly voted for Catholic Emancipation. He, therefore, thought that political agitation had in-

creased crime in the county of Kilkenny, and elsewhere, and for that reason he would give his support to the first reading of this Bill. He did so the more especially, because the law was made to reach those who best knew how to evade it. Under less wily agitators, the public peace might have been preserved without any recurrence to such a measure as this. His objections to it were, however, lost in the magnitude of the danger. The hon. and learned Gentleman opposite might raise the storm, but even he, with all his ingenuity, might not be able to control its ravages, or calculate the extent to which its horrors might be carried.

Mr. Finn said, that as one of the agitators who had exerted himself on the occasion referred to by the gallant Member, he wished to make a few observations. The whole cause of all the proceedings to which the gallant Member referred was to be traced to the Government itself; and their after vengeance was to be accounted for by the fact, that the people had, in spite of them, elected honest men, and not those whom they looked upon, and justly looked upon, as the bitter enemies of the country. The people wished to have nothing to do with those who now cajoled Orangemen, and then paid their court to Catholics—who at one time praised the loyalty of the yeomanry, and then exclaimed against their violence; and what for? Why, to answer their own purposes—to secure their own tenure of office. The people of Ireland did not confide in those who had, in some instances, been selected to represent them; and in the instance to which the gallant Member alluded, they did not confide in the *protégé* of the Government. He knew not in what situation the gallant Member had gone to Kilkenny, whether fox-hunting or shooting. But it appeared that the gallant Member had been there in two successive Septembers, even in the parish of Graigh, and no attempt was made to molest him. But it appeared that that most popular nobleman, Lord Duncannon, had been opposed. How was he popular? At the time to which the gallant Member referred, Ministers were doing the same thing that they were now attempting to do—they were endeavouring to put down the country—to prevent the cry for a Repeal of the Union—by proclamation; and the consequence was, that from one end of Ireland to the other there was a

just and a general feeling against them. But the gallant Member admitted, that up to a certain time, notwithstanding all the fears and alarms which had prevailed in the county of Kilkenny, still the people were so kind that he would rather have passed his time there than in many parts of England. Why had his feelings upon this point changed? Because, said the gallant Member, political agitation had produced an increase of crime. Now, he would prove by an official document, that there had been for some years a decrease of crime in the county of Kilkenny. By a return beginning with the year 1827, and ending with the 1st of January, 1832, it appeared that the number of persons charged with crime, in the county of Kilkenny, in 1827, was 274; in 1828, 224; in 1829, 174; in 1830, 171; in 1831, 175. This showed a decrease, not an increase of crime. The gallant Member stated, as his opinion, that the tithe question was brought on for the purpose of pressing forward the Repeal of the Union. Now, they might differ in opinion without any want of courtesy, and he could not only assure the gallant Member, but he believed he could convince him, that he was never more mistaken in his life than he was on this point. He had been one of the most determined advocates for Repeal; and there was not a word which he had heard in that House, there was not a cheer which had been given within those walls, on Irish subjects, that did not more and more, show to him the necessity of that measure. All the efforts that might be exerted to deprive the people of Ireland of their just rights must fail. Government might have recourse to gagging bills—to putting down the press—to extinguishing the functions of juries—to changing the venue; but all would be ineffectual. *Non meus hic sermo.* This was not his opinion alone—it was the opinion of all who thought rightly on the subject. They had heard of 2,000 cases of arson in twenty counties in England; they had seen a part of the population almost in a state of insurrection; but who, under these circumstances, ever talked of the suspension of the *Habeas Corpus* Act? They were now, however, legislating for Ireland; and how different was their conduct, how different the treatment that country experienced? But it had been long ago, and recently too, well remarked, that justice was never extended

to Ireland. If any man, when England was placed in the situation which he had described, had advised the introduction of such a measure as this, he would either have been expelled his country; like Charles 10th, or his head would have rolled upon a scaffold. He denied, that political agitation had occasioned disturbances; they arose out of the question of tithes. The hon. and gallant Officer had accused the agitators of encouraging tithe meetings in Kilkenny; but so far was that from being the case, that they did all in their power to suppress them. The tithe meetings in Kilkenny commenced in some arbitrary measures adopted by a clergyman, named Doyle, who, with the reverend Mr. Macdonell, issued distresses against the tenants for tithe to a greater amount than they paid of rent. The people resisted, and the military were called in to the assistance of the parsons. It was in consequence of this that the tithe meetings commenced; and as soon as the hon. and learned member for Dublin heard of them, he requested him (Mr. Finn) to go down to endeavour to prevent riot or disturbance. At the one, the resolutions proposed were of such a nature that he subscribed to them; at the other, they were of so violent and illegal a description, that he declared, unless they were withdrawn, he must retire, and his suggestion was complied with. This showed, on the part of the people, and of those who asserted their cause, a desire to keep within the pale of the law. So far from the tithe question being made use of as an auxiliary to the question of repeal, he believed that it had been fomented by the enemies of the country, for the purpose of bringing the people into a bloody collusion with the police.

Mr. *Stanley*, although he had never presented himself to the House with deeper feelings of regret and anxiety of mind, yet he must also say, that he had never presented himself to their attention with a more complete expectation and belief that if any hon. Gentleman had experienced a doubt as to the necessity for the application of some strong or arbitrary measure in Ireland for the repression of disturbance, whether prædial or political in its origin, for the protection of life and property, for the maintenance of good order and an established government—he said, if any Gentleman yet doubted the necessity for such a measure, he entertained a



confident hope that he should be able to show that there existed in the present state of Ireland not only a necessity for a Bill to meet the exigency of the case, but that this particular Bill, arbitrary and violent in its character as he admitted it to be, was called for by imperious necessity. Whatever the hon. Gentleman who had just sat down might think of the character of Gentlemen on the Ministerial side of the House—however the hon. Member might denounce them as adverse to liberty, and inclined towards arbitrary measures, he thought he might safely appeal to the testimony of longer and better known political lives than his own, and call upon the House to say whether his noble and hon. friends around him, and who had seats in the other House of Parliament, were likely, on light or trivial grounds, rashly or needlessly to interfere with the liberty of the subject. He appealed not only to the principles of conduct of his friends, long since avowed and acted on, but to their proceedings since the period of their acceptance of office. He appealed not only to their conduct in an extension of popular rights, but to the course they had taken with respect to Ireland itself. Night after night, week after week, month after month, had they resisted the importunities, taunts, and appeals, of Gentlemen, who pressed them to adopt measures beyond the ordinary power of the law with a view to repress disturbance in that country. He asked if, in the cases of Clare, Galway, or Queen's County, Ministers had shown any desire to go beyond the limits of the law, so long as there appeared a possibility of vindicating the authority of the law by ordinary means? In Clare and Galway, they had attempted to enforce the law without calling for additional powers, and they succeeded; and here he wished to give the gentlemen of those counties credit for the manner in which they came forward and assisted the Government in the enforcement of the law. As became them, they put themselves at the head of the population of their counties, and met the cry of intimidation with a bold front; they appeared to serve on Petty Juries, and on Grand Juries, and took upon themselves the invidious task of aiding in the administration of justice at a moment when the lower class of persons shrunk from a performance of their duty—at a moment when, but for the exertions of these Gentlemen,

the law could not have been enforced. He cast no imputation on the Gentlemen of the Queen's County, who, he admitted, had also come forward and served (many of them) on Special Juries at the Special Commission, when, had they left that duty to be discharged by the ordinary Jurors, the authority of the law could not have been vindicated, nor could the partial success which attended the commission have been obtained, nor could convictions have been procured. The Ministers never thought of overstepping the ordinary limits of the law till the exigency of the case required such a deviation from the principles of the Constitution as was now proposed. Having tried to enforce the law in the way before-mentioned in Queen's County, and things having, notwithstanding, become worse than before, they had no alternative but to ask for extraordinary powers to repress an extraordinary evil. He here said openly, without regarding whom he might offend by the declaration, that the Gentlemen of Kilkenny had shrunk from their duty; that they had not placed themselves in the front of the battle; nor displayed that degree of zeal and energy that might reasonably have been expected from them. He did not cast an unjust imputation on those Gentlemen, when he said, that if they had acted with more promptitude and vigour, there would have been a better chance of repressing the disturbances in the outset. But, when those disturbances had arrived at such a pitch as they had now reached, and when the ordinary operations of the law, though applied in the most unflinching manner, had failed of effect, there was no reason, but the contrary, why the King's Government should not step in and say, "whatever be the mischief of establishing a precedent for demanding powers beyond the law, it is our paramount duty to propose the adoption of such a course as we consider is calculated to restore and reinforce the law to protect life and property, and give peace to a distracted country." He had no hesitation in saying, that such was the state of things at this moment in Ireland, that the resident gentry would not come forward if called on; and he frankly admitted, if there existed intimidation and alarm amongst them, that the feeling was not wholly without foundation. The picture which his noble friend had drawn, and which he also should have to draw,

of the state of crime in Ireland, he allowed was not uniformly or universally applicable to the condition of the country at large. On the contrary, he confined his statement of its applicability, with few exceptions, to the extent of the province of Leinster; not that he meant to say there did not exist partial disturbances in other parts, but he rested the Government's claim to further powers on the state of that province; and, as in asking for extraordinary powers, Ministers did not rest their case on the condition of the whole of Ireland, but on the state of a particular portion of it, so they did not seek to apply the required remedy to the country at large, but only to that part which seemed imperiously to demand its application. They asked for powers most undoubtedly without limitation, and they did so because they meant to act on their own responsibility in the application of those powers which they considered indispensable, because they acted on their own responsibility to a reformed Parliament, where the sense of the country could be fully, fairly, and freely taken, and because, while disgraceful outrages were committed, while murder, and violence, and marauding prevailed throughout the country, while bands of strangers paraded various districts by night and by day, it was impossible to say "here is a limit beyond which you do not require powers, beyond which you shall not pass in the application of the authority intrusted to the Lord Lieutenant of Ireland." He feared it would be necessary for him to trespass on the attention of the House, by reading extracts from the correspondence of many individuals in various parts of the country, and by detailing the particulars of several acts of individual outrage, involving peculiarly atrocious shades of crime. In advertent to this correspondence, the statements and opinions contained in it must be taken as developing the views of nameless individuals, as it was impossible, for reasons which it was unnecessary more explicitly to declare, to lay the names of the parties before the House. The first communication to which he should call their attention was contained in a letter from a Magistrate of Queen's County, and he would, in the first place, give the general opinion of the individual as to the state of things in his district. The writer stated—

"I am the more anxious, Sir, strongly to

express my sentiments upon this subject, because I happen to differ in opinion from those whose political opposition to the present Government makes them impute the continuance of the present state of outrage to the assumed imbecility of the liberal principles which are considered to actuate the present Ministry. Whilst, in my humble view of true liberality, I find that the same principle which would duly inquire into all rational grievances, and strive to correct all undue oppressions, is foremost in its wish to resist the worst of all tyrannies, the tyranny of misnamed liberty, which, despotic in its sway, becomes more terrible, because it is a many-headed monster, combining all the disadvantages of autocrat and democrat, to the total exclusion of the partial benefits of either. I would then, Sir, without yielding one particle of what I trust will be as lasting as I know it to be sincere liberality, urge the Government to adopt such strong measures as may bring back sacred justice to our land, just punishment to the guilty, just protection to the honest; and, in the present state of things, I can assert that the Insurrection Act (with whose operations I was somewhat acquainted, in the county of Cork) would be a blessing to the honest, and a gentler check than they deserve to the lawless; if, indeed, as I fear, it is not too late, to apply any last vigorous remedy, than the last sad resource of martial law, to the present frightful excess of outrage.

The picture which this gentleman [*A cry of "name, name," answered by a very general cry of "no, no,"*] which this gentleman gave of the state of things in that part of Ireland, was extremely melancholy. He stated the circumstances of one or two outrages that had been committed in his own neighbourhood, and continued—

Such outrages, however, are now so common, that I merely give this detail, to show that any ordinary individual exertion is perfectly futile, if not altogether foolhardy, and to take the occasion of at least performing what I consider my duty, in earnestly calling the attention of Government to a state of outrage of which this is but a very slight and every-day example, but which has already attained a height of organization wholly subversive of all good order, and has spread a degree of too well-founded terror, which drives the many to embrace the criminal security which alone seems to be left to them of joining the lawless crew, whilst the few, who still wish to stand aloof, are doing so at the imminent and constant peril of their lives, unaided by any tangible law, unprotected by any present arm of power. I have seen the honest, and heretofore bold peasant, weep like a child, because his honest courage only doomed him to destruction; whilst, on the other hand, the less honest scruple not to procure their comparative safety, by relinquishing whatever better grace they may have left, and joining, always by oath, often by deed, the lawless gang.



Since the writer commenced his letter, he had heard of a fresh nocturnal outrage in his immediate neighbourhood, and of a savage murder committed at Stradbally, on Mr. Prentice, the steward of a landed proprietor in that part of the country; the only crime of the deceased being an honest attention to his master's interests. The date of this communication was November 14, 1832. The next communication he would read was a letter from Kilkenny, written by a private gentleman to a near relation, and which was never intended to be made any public use of. It was this—

I am sorry to say that the county is in a horrible state of excitement, in consequence of the unlimited power of our new legislators—"the Whitefeet." —'s son was visited last night by some armed ruffians, who severely beat the poor man, because he dared to dig my potatoes after the notice to the contrary. They desired him to go to his father, and order him, on his peril, not to follow any of my cattle till the quarter, ground, &c. was settled. They then went to several of the tenants, and swore them not to attempt to work for me. I saw —, with his head tied up, and the mark of a point of a bayonet in his thigh. On the same night — was severely beaten, and, while on his knees, one scoundrel kicked him in the throat. I saw him yesterday, in bed; he had just been bloodied by the doctor, and could with difficulty speak. The only reason they gave was, because he gave up his arms to his landlord, and did not keep them for their honours. You have no idea of the fright that —'s family are in; girls crying, and all in the greatest consternation and dread of the Whitefeet visiting them again, when they are certain of being murdered. —'s brother, at —, was visited a few nights ago, early in the evening, and they were not afraid to fire several shots so near the police-barracks!

The same gentleman, writing to Sir E. Blakeney, said, speaking of the demands of the Whitefeet—

I would not comply with their wishes and turn off my men to please such incendiaries; I valued my stock, and sent them back to my land, where they have been without a herd ever since. Now, they have ordered the gate to be built up to prevent my cattle going to water; they have beaten the herd and his brother so, that their heads were nearly fractured: at the same time they were obliged to drive home my cattle. They used my nephew's herd in like manner, and also broke his ribs about ten days ago, and now the inclosed shows you how they have used his son. All I can say is, that the country is in a state of rebellion, and that you will not find a Kilkenny Jury to convict a murderer. I am told by a man, who says he owes all he is worth to me, and would be un-

grateful if he did not, that there are Juries of twelve men sitting on life and death; that they issue their orders to the Whitefeet, of whom there are thousands sworn to act under them. He advises me to act like my neighbours, by letting things pass, and not to put my life in danger. I could not persuade him to give information, as, he says, he and his family would be murdered.

The next document he would read was a letter from Louth, dated November last, and written for the purpose of stating to Government the brutal system now most prevalent, of beating persons, in various parts of the county (Louth); and also of throwing large stones into houses at night. It went on:—

A banditti of ruffians, amounting to about thirty, broke in the sashes of nine houses, last night, on my estate. The occupiers of these houses are tenants and labourers of mine, most quiet and industrious poor men—in truth, the more respectable the man, the more liable is he to be attacked. I find that seventy-three panes of glass were broken, with many sashes; some doors were injured. I have been in the houses, and have seen several stones thrown in, which weigh six pounds; and had any of these struck the inmates, the consequence might, in all probability, have proved fatal. None of the offenders can be identified, but could they, whoever might give evidence in such a case, would be murdered. Such is the existing state of society in this unfortunate country, out of which every civilized man in lower life is escaping to America, who can afford to depart.

He had another letter, which could not be suspected of exaggeration or mis-statement; it was from the Lieutenant of the county of Louth, Sir Patrick Bellew, a gentleman, who, as every body knew, was incapable of making statements of outrages or disturbances lightly. The communication was a very recent one; it bore date 14th January, 1833, and stated, the Magistrates had used every effort to repress outrage, but with little or no effect; that the combination was too strong for them to put it down; that, at a meeting of Magistrates, held on the 14th of December last, the landowners had been called on to assist as special constables, in the enforcement of the law and the preservation of peace, but that, from fear or other causes, they had almost all declined. He held in his hand another letter from Louth, which bore out the previous statements. He was aware that, in calling the attention of the House to so many details of offences, he was pursuing a tedious course, but the case did not rest on the

magnitude or prevalence of one particular crime, so much as upon the cumulative evidence of a multiplicity of instances of outrage and disturbance. The letter last mentioned said, that the system of disorder and beating and unlawful meetings had proceeded to a frightful extent—that the intimidation was such as to prevent information from being conveyed to the Magistrates—that in cases where fines were inflicted with the alternative of imprisonment, “ambassadors” were despatched throughout the county to collect the amount, and that the Magistrates having committed many individuals to gaol, as above-mentioned, every one of them was enlarged by those means. The writer expressed his conviction that, if effectual measures were not resorted to, to put a stop to the proceedings of the ruffians who nightly disturbed the country, the loss of life and property must be immense. The police were indefatigable in their exertions, but even if they were ten times more numerous than at present, they would not be able to meet the evil. Here again was a letter from a gentleman of Westmeath, who, after alluding to twenty-four outrages committed within a very short time, in his own neighbourhood, said, that numerous instances of a similar nature were occurring by day and by night; but such was the degree of intimidation prevalent, that the parties assailed feared to subject themselves to a repetition of violence and outrage by giving information, and they therefore preferred suffering in silence and without complaint. The writer never recollected an instance of the apprehensions of the peaceable being so much excited as at present. He described the outrages as being systematic, and the disturbers of the peace as being confident of their strength. They possessed a large quantity of arms, which, however, could not be discovered in the possession of any one. The arms were supposed to be placed under the care of a captain, qualified for such a trust by his fame in deeds of bloodshed and outrage. Under such circumstances there was no chance of such a person turning approver. When an attack on any house or person was contemplated, but short notice was given to each individual of the party of assailants, and the band being once formed, nobody was allowed to leave it till the matter was concluded, when the arms were handed over

to the Captain, who alone was aware of the place of their deposit. From Kildare, Louth, Westmeath, Queen’s County, and Kilkenny, he might quote various other communications confirmatory of the statements already made; but as the hon. Gentleman who had just addressed the House, attributed the outrages to the circumstance of Government pressing the payment of tithes, under the Bill of last Session, he preferred reading a letter from the Attorney General for Ireland, on whom was devolved the duty of examining into the nature of the offences to be tried at the approaching circuits, and from this letter it would appear how far the hon. Member was justified in ascribing the existing disturbance to an enforcement of the tithe system. The Attorney-General’s letter stated, that he had just concluded his painful duty of reading the informations preparatory to the circuits, and he regretted to say, that the offences on the Home Circuit alone equalled all the charges throughout the whole country two years ago. Yet this statement, strong and striking as it was, conveyed only a partial exhibition of the facts of the case, and did not bring under review the utter demoralization and disorganization of society which prevailed. The Attorney-general said, that he did not find, in 150 cases, which he had gone through, a single one connected with tithes, nor any instance of the person or property of a gentleman being the object of aggression; but the weak, the destitute, the poor—labourers, widows, humble families—in a word, the most defenceless and unprotected classes, were the victims. There were parties who were exposed to acts of violence and outrage, which made the blood run cold when they were recounted. If this was the liberty for which gentlemen opposite contended—the liberty which the Government was charged with infringing—the liberty not of doing what was at least harmless to others, but of injuring and wronging those who were most defenceless and unprotected—the liberty of assassination, of murder, of midnight burglary and outrage, of determined conspiracy against the laws of the land and the well-being of society—if, of infringement upon this species of liberty Ministers were accused, he admitted, that they were indeed most guilty; but, if to protect and ensure the liberty of the well-disposed and the weak—if to maintain the public peace—if to



vindicate the authority of the law—if to guard the poor man's hearth from outrage be the duty of a Government, call this a coercive, despotic, unconstitutional, and arbitrary Bill if you will—designate it by what term of reproach you please; but he contended, nevertheless, that it was a Bill which, far from injuring or destroying, went directly to preserve and perpetuate liberty in its truest and most genuine character. Talk of the Insurrection Act! Why, the Insurrection Act was now in force in Ireland, in so far as prohibiting the well-disposed from leaving their houses at night; and how were they prevented from doing so? Through fear of midnight marauders and murderers. The Insurrection Act was in force, but its powers were wielded, not against the evil-doer, but against the well-doer; and by whom? By an irresponsible authority—not by the Government, but by the Whitefeet; and a double aggravation of the grievance was, that not only could no man leave his house by night without risk of exposing his property and family to rapine and outrage, but no man could rest in his bed without being disturbed by the apprehension, and exposed to the danger of those disturbers of the county paying him a domiciliary visit for the purpose of putting their Insurrection Act in force. His noble friend had stated details of outrages sufficient to justify Ministers in the course they had adopted; but he had stated them in the plainest and simplest manner; and, if he (Mr. Stanley) found any thing to complain of in the speech of his noble friend, it was that he had rather understated the case, and had not dwelt on all the horrible details of those atrocious offences with sufficient fulness and force. His noble friend had mentioned the murder of Mr. Houston, which was attempted to be—could he say palliated?—by an hon. and learned Gentleman opposite, who stated the murder not to be an act of a deliberate nature, but merely that of a drunken labourer, and arising out of an accidental quarrel of a moment. Let the House look at the account of the murder as given by a person on the spot. The official report, dated Rathnagan, October 25th, 1832, was this—

At nine o'clock this morning, an express arrived to inform me that the rev. George Houston, rector of Feighcullen, had been shot, about one hour before, on the road, near his own glebe-house. I hastened to the spot, and

found the poor old man dead. I sent off expresses for Major Tandy and Captain Hunter. The latter has arrived, and we hourly expect the former, when an inquest will be held. We have a man in custody, who I have every reason to think was the assassin, and against whom I hope to be able to bring proof to convict. Mr. Houston was a most inoffensive, quiet man, and guilty of no crime, but that of collecting his tithes, which were his only support; he was nearly eighty years of age. It was signed by E. S. Townshend.

This atrocious and brutal murder which had been committed in mid-day was no act of drunken irritation or violence. He had here the letter of a gentleman, present at the time, and who had been obliged to leave the country through fear of sharing in the same fate. He stated that a notice had been sent months before to Mr. Houston, beginning "Rev. Sir," and telling him that if he did not discharge his servant-boy, he might mark the consequence; the notice-writer disclaimed any wish to harm him or his; yet, in the next sentence informed him, that if he did not do as he was desired, death should be his doom. There were some circumstances of peculiar atrocity in the murder of this inoffensive and aged man. After he had been murdered, no one could be prevailed on to assist in carrying the corpse into the house; and when Mrs. Houston, rendered frantic by the scene, went on her knees, entreating the people present to assist the narrator of the circumstances and the maids in bringing the body in, they met the request not only with a refusal, but with jeers and mockery. During the night there were illuminations to celebrate an event at which the people could not conceal their brutal and savage joy; and, to add insult to injury, they kept up a series of runaway knocks at the door. This addition of savage insult to atrocious injury—this violation of the house of death—this brutal attack on the feelings of a widow, made so by a recent act of atrocious and brutal assassination—talk to me of this being a drunken outrage—this a crime to palliate or pass over lightly—this an offence for an hon. and learned Gentleman to—he would not say vindicate, for this combination of atrocity could not be vindicated, but it was to be palliated, slightly passed over, under the poor pretence of intoxication. Why here was another case which his noble friend had briefly read to the House, and which had occurred in the county of Wexford. Before he proceeded

further with the narrative, he paused to do justice to the county of Wexford, and to his hon. friend on the third bench above him, and the Gentlemen who acted with him, two of whom were Members of the House. The firmness of their resistance at the first outbreak of disorder in Wexford had mainly contributed to preserve the county in tranquillity, and protect the interests of real liberty, by affording security to the community, and warding off the necessity for the operation of this act. He returned to the letter. It was dated Taghmon, November 23rd, 1832, and said :—

I beg to inform you, that about eleven o'clock on last night, an armed party, of about twenty-five men, set fire to, and attacked the house of Edward Maddocks, of Townferney, in the barony of Bauley, where sub-constables, Fife and Wright, were stationed to protect a thatched house, by a Magistrate's order. To save themselves from being burned to death they went out of the house, when the ruffians fired at, and murdered the following persons—namely, sub-constable Wright, who died almost instantly; Edward Maddocks, his daughter, and wife, who lived about two hours; one of his sons, who received two balls in the chest, is still alive, but no hopes are entertained of his recovery. A man, named John Redmond, who was dispossessed about three years ago of Maddocks' land, is charged, on the dying declaration of Mrs. Maddocks, as being one of the party. This letter was signed by the chief constable, W. F. Coghlan.

Here was a case in which an armed band of assassins surrounded a house, set it on fire; and when the miserable wretches within the dwelling attempted to escape from the flames, brutally and deliberately murdered them. Was he to go item by item through this long catalogue of crimes, or need he do more than say, that of all the murders recounted this night up to the present hour, not one had been punished—a fact which carried with it a brand of disgrace to a state of society claiming to be one of civilization. The hon. member for Kilkenny had said, that there were now few committals compared with former years. Had the hon. Member told him that there was also comparatively little crime at present, it would have been a subject for congratulation; but when, with increased outrages, the committals were diminished, it was a proof that the law as it stood was not sufficient to check these wrongs. He was told that, at the late sessions for Kilkenny, there was not a single case. Did this prove the freedom of

the county from outrage? No: but it proved the feeling of intimidation, the want of confidence in the administration of the law, and in the execution of justice, which rendered it necessary for the injured to suffer in silence, lest greater sufferings or even death should be their doom. He would not go further through the details of particular offences of the disgusting catalogue, but with reference to the gross amount of crime, and its increase in the province of Leinster within the last four years, he should say a few words. The increase of which he spoke did not consist in robberies, which might arise from distress, but in burglarious attacks on houses, and robberies of one peculiar description—he meant robberies of arms—arms, which were at once the object of those nightly plunderings, and the means of fresh depredation and outrage. The number of burglaries and attacks on houses in the last three months of the years 1829, 1830, 1831, and 1832, were as follow:—In 1829, thirty-nine; in 1830, ninety-four; in 1831, 251; and in 1832, 530. The number of crimes of assault in the same periods respectively were, in 1829, forty-five; in 1830, fifty-four; in 1831, eighty-nine; and in the last three months of 1832, 235. Embracing the totals of crimes of every description committed in Leinster during the same periods, the result was—in 1829, 300; in 1830, 499; 1831, 814; in 1832, 1,513. Such was the general state of crime during the last four years in the three last months of each year. Was it on the decline at present? He regretted to say, that such was by no means the case; on the contrary, the month of January, as compared with the preceding month of December, showed a frightful increase of offence. But first he must observe, that in the three last months of 1832, crime was fivefold the amount of the like period in 1829. Of the three last months of 1832, December was the heaviest in point of offences, the number being 597; but in the month of January, just elapsed, the crimes amounted to 1,094, from which it appeared that, in the single month of January alone, the offences were more than three times as numerous as were the crimes committed in a space of three months three years ago; or nine times as many as were committed in one month at that period. It might be thought, perhaps, that in this aggregate of numbers, there were many crimes of a light and



trivial description, and that many trifling cases were brought before the police, which were not worthy of coming under the consideration of the House. He could, however, produce a mass of details, were he not afraid of wearying the House, which would remove that impression; but it would be sufficient to take at random one of the monthly reports of the state of crime in any of the counties he had mentioned. He would take the report for January last, of the state of crime in the county of Kildare, which he did not select as one of peculiar atrocity; on the contrary, it did not stand in the first or second rank of crime; but he took it, because it happened to be more conveniently drawn up, and because it would enable him to show hon. Members that he was dealing fairly when he spoke of the multitude of offences which had been increasing. The list stood thus, on the 2nd January:—

*EXTRACTS from Chief Constables' Reports.*

January 2.—At night, two cows, the property of James Barry, were maliciously houghed on the lands of Carrigan, Barony of Kilrea, in such a manner as to cause their death, and a third slightly injured.

3.—At night, a horse, the property of Capt. Radcliffe, was stolen from the lands of Curryhill, Barony of Clane.

4.—At night, an armed party entered the house of Mr. Smith, at Rosmore Lodge, on the Curragh, and robbed him of a fowling-piece. On leaving the place they fired a shot; they then proceeded to Mr. Martin's, of Rathbride, and robbed him of two guns; thence to Mr. Davis's, of the same neighbourhood, and deprived him of his arms.

5.—At night, a rick of hay, the property of Mr. Holt, of Sallins, was maliciously set fire to; but being timely discovered, the fire was extinguished before any serious damage was done.

6.—At night, two men, named Ryan, were most violently assaulted and dreadfully beaten by an armed party, on the high road at Knockbounce, beyond the town of Killcullen.

9.—At night, an armed party entered the house of a farmer, named Brohill, on the lands of Youghall, near Kildare, and shot him dead, after which they beat his brother severely; every exertion has been made to discover the assassins as yet without effect.

He must here do justice to the people of Kildare. The person shot (in this last instance) was a tenant of the Duke of Leinster, whose name stood at the head of the subscriptions, which were immediately set on foot, to offer a reward for the apprehension of the offenders, and that list, he was happy to say, was swelled by the con-

tributions of the farmers, who offered their half-crowns, and shillings, and sixpences. But while he thus did only justice to the people of Kildare, he was obliged to add, that hitherto the murderers had not been detected.

On the same night that this murder took place, an armed party went to the houses of two farmers, named Holligan, also to that of a widow Curry, on the land of Mr. Rice, and searched for arms, without effect.

Same night, an armed party robbed the steward of John Cassedy, esq., who resides at Ellistown, near Rathangard, of a gun.

12.—About seven o'clock in the evening, the driver of one of the steam navigation boats, on arriving near Sallins, from Dublin, was fired at by a party, fortunately without effect, the driver having run off, these fellows cut the horse and also the harness.

13.—About nine o'clock at night, the houses of one Bernes, and a widow Dobbyn, near Sallins, were entered by an armed party, who robbed the former of a gun.

14.—At night, the house of Christo. Kennedy, of Miltown, was entered by two men, who attempted to strangle him, by putting a rope round his neck; however, on Kennedy's making a spirited resistance, the assailants ran off, leaving the rope behind them.

At night, an armed party visited the house of one Brahin, at the Cochbridge, Barony of Clane; but not succeeding, they swore him as to whether he had arms or not.

15.—At night, the dwelling-house of W. Batt, Esq., a retired navy officer, at Bray, Barony of Kelkea, was entered by a numerous party, who robbed him of a case of pistols, a detonating fowling-piece, and some ball cartridges. They, however, returned the fowling-piece in the course of an hour. This gang fired several shot before they left the place.

Same night, the dwelling-house of Mr. Holt, of Carberry, was attacked by an armed party, who ordered him to discharge a servant man next day, which he did. They then demanded that a friend of Mr. Holt's, who they said, was in the house, should be surrendered up to them to be shot; for having, as they said, voted against Mr. O'Connell at the last Dublin election.

A heavy penalty to pay, observed the right hon. Gentleman, for the exercise of the elective franchise.

He then continued reading—

On the 16th at one o'clock, a lumber-boat, the property of Messrs. Daly and Connory, of Dublin was maliciously sunk in the Grand Canal, near Monastereven, by nine men, who beat the master severely. Part of the cargo was injured.

18.—At night, an armed party went to the house of Matthew Donaghan, near the Bullring, Barony of Connel, and demanded arms;

not succeeding, they put Donaghan on his knees, and threatened to shoot him; they then proceeded to the house of Patrick Flood, of the same place, and warned him against dispossessing any of his tenants; thence to a respectable farmer, named Laurence Dowling, and beat him severely, without assigning any cause.

19.—Between the hours of seven and eight o'clock, as Miss Chamberlain was on her way to Maynooth, she was stopped by five men, within a mile of the town, who dragged her off the jaunting-car, and searched her pockets for money.

20.—Two young lads went to the house of Mr. Exshaw, at Hybla, near Monastereven, (who was sick at the time), and on demanding his arms, they were handed a gun, a blunderbuss, and a pistol, by his steward.

Same day, the house of James Jexton, game-keeper to the Marquess of Drogheda, was entered by an armed party, who beat him and his father severely, and robbed him of a gun. This is the third outrage of the kind committed on Jexton.

At night, a lumber-boat belonging to Messrs. Daley and Carney was maliciously sunk in the Grand Canal, near Sallen's, by some person or persons, who bored holes in the keel and sides.

21.—The party at Lyons apprehended Peter M'Grath, a boatman, for having violently assaulted Andrew Casey; and, on being brought before Lord Cloncurry, he was committed to gaol.

At night, two sheep, the property of Mr. Birchall, were killed on the lands of Grangeby, Barony of South Naas, and the carcasses carried away.

Same night, the house of John M'Dermott, of Ardhill, Barony of Carberry, was attacked by an armed party, who broke the door and windows. On entering they searched M'Dermott, and finding a poor blind woman concealed under a bed, they beat her in such a manner that her life was despaired of.

22.—At night, a party of Whitefeet entered the house of Mr. Byrne, of Kilrash Barony, of East Ophaly, and robbed him of a gun; they then proceeded to the house of one Mahon, of the same place; but on his giving the alarm to his workmen, they ran away.

24.—At night, an armed party broke into the house of Andrew Toole, of Ballynagis, and barony of East Narraugh, beat him severely, and ordered him to give up fifteen acres of land to the former occupier, and smashed his windows as they went away. They then proceeded to the house of Michael Hefferman, of Rathsella, and beat him and one of his sons severely; searched for arms, without success.

25.—In the evening, a well-armed party went to the house of a farmer, named Maher, at Lucken, barony of East Ophaly, and ordered him to give up some land, on pain of death; thence to the houses of two brothers, named Cullin, of same place, and ordered them to give up land also.

At night, a house, belonging to Dr. Carter, of Castledermot, was maliciously burnt near the town.

Same night, an armed party went to the house of Edward Doran, of Hartland, and posted a notice on his gate, ordering him to take his work from a smith, named Clare.

27.—An armed party went to the house of a respectable farmer, named Kelly, of Dunaney, near Kildangan, and demanded his arms, which, being refused, one of the gang snapped a pistol at Mr. Kelly, who returned the fire, and wounded one of the fellows in the face, upon which they went away.

At night, an armed party went to the house of a poor man, named Kagan, at Cherryfield, and having placed him on his knees, swore him not to harbour strangers.

29.—At night, the house of Daniel Donelly, at Miltown, was attacked by an armed party, who demanded entrance; but Donelly having placed himself at the door, with a pitchfork in his hand, they went away.

These details related to a county, continued the right hon. Gentleman, in which the outrages were comparatively light; but he read them in order to show the character of the outrages, from whence the House might see that they were not of the nature of those which are occasioned by distress; they were not acts of robbery, but acts of violence and intimidation, and offences of an insurrectionary character, committed by night, and for the purpose of showing that prohibiting the being out at night, which was an object of this Bill, was one of the most effectual guards against such conduct. Great stress had been laid upon the difficulty of proving cases of violence offered to jurors. He admitted that, under the circumstances, the cases were very few; at the same time, if all would speak out, it would be found that there was the greatest possible reluctance in every part of Ireland to appear as jurors, or to take any part in a criminal trial. In regard to jurors, he admitted there were few instances of violence and intimidation; but, in regard to witnesses and prosecutors, he had papers now before him, the contents of which would take up too much time to lay before the House, but which showed such a mass of intimidation, that no man, he thought, could hesitate to give his assent to almost any measure that would put a stop to it. When an hon. Gentleman said, that there was no act of violence against Jurors, except in the county of Kilkenny, he could not admit that. Here was a letter from a gentleman, who stated that even the respectable classes were



unwilling to attend as jurors. He had letters from persons who were on the trial at Carrickshaugh, which showed the consequence of acting against the popular feeling. One writer said, that an impression had gone abroad that he had wished for a conviction, and that in consequence his life was not safe, and he had been obliged to leave the country, only because he would not consent to abandon his duty as a juror, in a prosecution connected with the tithes. He had with him similar statements from all quarters, from persons placed in the same unfortunate circumstances. One and all had been compelled either to retire from their homes, or to submit to protection and surveillance, for no other crime than having done their duty as jurors. On the other hand, a gentleman on the Jury had been supposed to have been desirous of giving a verdict the other way; a large body of persons assembled to cut his corn for him, and when a relation of this gentleman had a civil process, in the county of Waterford, and witnesses were about to attend the trial, threatening notices were issued that no one should dare to give evidence against any individual related to the patriotic gentleman who had defended the brave boys of Carrickshaugh. Would any one say that this was not intimidation? Would not a timid man, under such circumstances, consult his own ease by declining to act as a juror, rather than incur the danger of appearing in the box? There was the case of a person of the name of Allen, who was summoned as juror, and who made an affidavit, that if he served on a certain trial, and convicted the person, he should do it at the hazard of his life. This affidavit was admitted by the Court, and the individual was excused from appearing. And what had happened to him since—he was pretty sure it was the same person—he was a miller? He (Mr. Stanley) held a report in his hand, to which he would beg to call the attention of the House; it was an extract from a letter from the county of Kilkenny, dated 7th September, 1832:—

The house of an opulent miller, of the name of Allen, was attacked, about two o'clock in the morning of Wednesday, by an armed party, who attempted to force an entrance, but who, finding the doors strongly barred, and having been shot at by Mr. Allen, from an upper window, retreated, after discharging their arms at the windows of the rooms occupied by his family, calling out at the same time:

“Here’s Carrickshock for you.” Nine balls entered the windows, and three were found lodged in the bedsteads occupied by Mr. Allen’s children; the rise of ground at the back of the house, having placed the assailants nearly on a level with the windows; a notice was left with a person in a neighbouring cottage, who was sworn to deliver it to Mr. Allen, relating to some land, and to his having deserted the heroes of Carrickshock at their trial; Mr. Allen having made an affidavit to be exempted from the Jury, on the ground of intimidation.

He would avail himself of this opportunity to state, that numerous notices were posted in the neighbouring villages, written by schoolmasters and others, being persons of education, against the payment of tithes. (“Hear, hear,” from Mr. O’Connell). Did the hon. and learned Gentleman gratify his hatred to the Established Church by availing himself of this notice, in such a catalogue of crime, because the word tithes appeared, in order to raise a paltry cheer, as if tithes only were concerned? He would add, to give the House a complete and accurate notion on this subject, that, at Kilkenny, persons summoned as jurors, were called three times, and on pain of fines from 10*l.* to 50*l.*, and it was not till the third call, when the fine of 50*l.* would have been imposed, that a Jury could be impanelled. A gentleman wrote to the Government, in January, 1833, that he could not attend to the next assizes; that he cared not what fine was imposed; he knew what the consequence would be if he did. It was the boast of the prisoners that the Juries dared not find them guilty. That was the state of things in Kilkenny, and in many parts of the province of Leinster, and yet it was said, there was no violence or obstruction of the ordinary course of the law! From Queen’s County, he held in his hand a return, with the particulars of which he would not trouble the House, but which contained the names and the circumstances of those persons who, in consequence of their attendance, either as prosecutors, witnesses, or jurors, had been subjected to such a degree of violence or intimidation, as to be compelled either to leave their houses, and some to leave the country entirely—or, at all events, to place themselves under the protection of the police. From this list, it appeared, that no less than six-and-twenty individuals, most of them with families, had been compelled to leave the country, in consequence of having prosecuted

Whiteboy offenders within the period of the return, which was limited to a single year; and that two-and-twenty persons, in addition, had afforded to them, at the present moment, constabulary safe-guards for their protection from nightly outrage. That the House might not suppose that these precautions were unnecessary, he would take the liberty of reading a letter, dated Athy, February, 1833. The writer said—

I have seen very many of the grand and petty jurors, who attended at the Special Commissions, and at the last assizes, obliged to carry fire-arms for their personal protection, while attending on the courts.

The writer then enumerated a number of cases of intimidation and violence offered to jurors and prosecutors; and concluded by saying, that in many instances he was, as a Magistrate, refused by respectable proprietors of coaches, caravans, &c., conveyances for the witnesses; they alleging, that if they did so, their carriages would be broken by the mob; and he added—

I was actually compelled to send carriages all the way from Dublin to Maryborough, to bring the witnesses up from that town.

In the case of the murder of a person named Joyce, already adverted to by his noble friend, so very few persons attended to make a Coroner's Jury, that it was necessary to get policemen to make up the number required, and even then it was necessary to call for the military to protect the proceedings. The Magistrate from whom he received the information added, that a state of terror still existed, so that the gentry were even afraid to give information of the Whitefeet notices they received. He was borne out in his opinion by the statement of respectable Magistrates, that such was the state of terror which existed in Ireland, that the gentry were afraid of the notices served on them, dreading attacks on their houses when these notices were served; and, in some cases, he understood, arms were actually kept in their houses in order to be delivered to the Whitefeet, to gain their good will. The right hon. Gentleman then read a number of other cases of intimidation. A farmer of Ardagh, who had given evidence against two persons for assembling to get arms, who were transported for seven years, was threatened, and obliged to quit his farm. In the county of Louth, there were two cases, one of a witness, the

other of a prosecutor in tithe-cases, whose houses were attacked. In Tipperary county, a notice had been stuck up, ordering no person to deal with a witness of the name of Little. The writer of a letter, which the right hon. Gentleman read, stated that, in consequence of hearing that there was a man at Kilkenny capable of giving testimony, he summoned him; the man refused to come, and he committed him to Carlow gaol. This (the right hon. Gentleman remarked) was rather against English law, but there was a special law which warranted it in Ireland. The man said, he would tell the truth if he could see his priest. The writer sent to the reverend gentleman, and the man then consented to appear at the trial. In the case of the murder of Mr. Houston, a report had been made to him, which stated that there was a Coroner and no Jury, for all the farmers, except two or three, left their houses, in order to avoid serving on the Jury. In the Queen's County, a person had been threatened for registering his freehold. The right hon. Gentleman mentioned a variety of other cases, and observed, he would not delay the House further in reading instances of intimidation; he thought he had substantiated a case, to show that not only was there a system of violence and outrage, but that it was an organized system of violence and outrage, acting on a combined and systematic plan, against which the law, as it now existed, afforded no adequate protection, and that some new measure was necessary to protect life and property. The Committee of last year, moved for by Sir Henry Parnell although they recorded their opinion that the law, when rigorously administered, was adequate to put down outrages, expressed in the strongest manner its conviction of the necessity of strengthening the existing law. 'In adverting,' they observed, 'to the late mischievous associations in the Queen's County, under the name of Whitefeet, and the frequent recurrence of similar associations in other parts of Ireland, the Committee, although impressed with the strongest disinclination to recommend any new law, which should in any degree be a departure from the established constitutional rule of law, when they see by experience so much crime has been committed, and so much injury sustained from time to time from these associations, are of opinion a law might be passed which, without being in



'any degree a departure from the principles 'of the Constitution' ["Hear, hear," *from the Opposition Benches*].—That cheer came too soon 'would enable the Executive Government to put into force the administration of justice more speedily, and 'at less expense, than can be done at 'present. Though the ordinary and regular laws have been found sufficient to put 'down the various Whiteboy associations, 'which have, from time to time, existed, 'it is equally true that, in every instance, 'every association has made itself complete master of the county where it has 'been formed, and committed all kinds of 'crimes and enormities with impunity for 'a considerable period before the enforcement of the powers of the law has produced a remedy.' They considered the delay attending a Special Commission an evil, and they recommended a more summary remedy. What was the cure they recommended? Before he adverted to it, he would read an extract of Mr. Barrington's evidence:—

Can you state what means are taken by these gangs to propagate these systems, as you have given the committee to understand that there is a willingness on the part of the peasantry to commit crime?—I do not wish the committee to understand any such thing: I believe the greater number join through terror and necessity, from the kind of houses they inhabit, and the retired situation in which they are placed. The parties to the murder of Mr. Blood went to the houses of many poor farmers to compel them to go with them. Some of these farmers told me, that they were delighted to hear of their execution; they said so secretly, knowing I would not disclose it: they frequently made them join when they went out at night. Captain Rock (the man Dillane, whom I have alluded to) told me that he had been obliged to threaten to fire at his own men to make them attack a house.

What are the means by which they exercise these systems of intimidation over the lower orders?—By going to their houses at night, and swearing them to join, and be ready whenever they may be called on to take arms or to attack houses. If they refuse, or their wives and families should in any way prevent them, they were formerly carded, but latterly wounded or flogged, or some other punishment inflicted on them.

Is punishment nearly certain to follow the non-execution of what is ordered to be done?—Most certainly; and the consequence is, the whole peasantry of a county, not having any means of resistance, are obliged to join. When this system commences, the whole county is soon in a flame, if it is not discovered and instantly checked,

A magistracy, however vigilant, could scarcely succeed in putting down outrages conducted upon such a system as this, by the ordinary exercise of the law. He would next read an extract from the evidence of the Rev. Mr. O'Connor, a Roman Catholic Clergyman, a gentleman who had had ample opportunities of making himself acquainted with the peasantry, and who was, perhaps, as well informed concerning their dispositions and habits as any man in the country.

Do they endeavour, by force and by intimidation, to obtain what they wish to have done?—They generally first serve a notice, and if that is not obeyed violence follows: this notice is accompanied generally with a picture of a coffin or some emblem of death, and they write, that if they do not do what they require within a certain time, to prepare their coffin.

Has this been done indiscriminately on Catholic farmers as well as on Protestants?—I believe, if there is any preference given, the Catholics get more notices; the Whitefeet are most liberal people, for they make no distinction between Catholic and Protestant.

Are not the punishments they inflict, in case of disobedience to their orders, of the greatest atrocity—assassination, &c.?—Yes; generally beating, which sometimes ends in death.

How does it happen that these violences make so much progress? Is it because the laws are not sufficient to put them down, that they are not checked?—I cannot account for it otherwise than by saying, the people are afraid to give information; they bear with the injury for fear they should be murdered if they give information.

The dread of punishment for giving information prevails to such an extent as to render the laws inoperative?—Not entirely inoperative, because they have been executed in many instances.

But inoperative in the first instance, until the system gained a great height, and has established itself generally?—Yes; it has established its empire over the whole county.

And what is the remedy proposed by the Members of the Committee, who did not wish to go beyond the Constitution? Why, they recommended the principal enactments contained in this Bill, that persons should not be out at night, and that domiciliary visits should be authorized to ascertain if any were out. The Report embodied the evidence of several persons, showing clearly and distinctly that it was the anxious wish of many defenceless persons to have such a protecting law as that now proposed. Before he proceeded, he should trouble the House with two or three communications he had received during the last three or four days from Ireland. The

right hon. Gentleman then read a petition of certain individuals who stated that they had taken possession of a farm, that they were awoke in two or three nights after they came, and forced out of their farm, escorted by armed men, and threatened with death if they returned. The widow of Mr. Marun, who had been murdered, was the object of another attack. Mrs. Marun had acted with singular humanity towards her tenantry since the death of her husband, yet she was obliged to have recourse to the police to protect herself and her property. Another case occurred only two or three days ago, a murder in the county of Monaghan, but not one of peculiar atrocity. Another case occurred in Kilkenny, on the 22nd of February, and the circumstances showed strongly the lawless state of the county. The right hon. Gentleman read a report which stated that an action had taken place between Major Brown and a party of Whitefeet, who occupied a hill, and before they could be dislodged, they wounded a sub-constable mortally and another slightly. Another case was in the county of Cavan, in which a party of revenue police had been attacked, and twelve or fourteen shots were fired at them. Another case was communicated by the managers of the United Steam Company on the Royal Canal. The report of the directors, in the enumeration of other outrages committed on their property, proceeded to state, that there were six large boats with valuable cargoes of grain, flour, &c., on board, which had been on their way in the canal to Dublin, for the purpose of the said cargoes being sent over to Liverpool—that they were stopped in their passage in the Shannon—that, in the open day, a large body of people seized them—that the men employed in navigating them were compelled to desist from doing so at the peril of their lives, and were obliged to fly—that a large quantity of property which the directors estimated at upwards of 10,000*l.* in amount, and which was of a peculiarly perishable nature, was thus left to destruction—that the company, which by the trade it had established, was really conferring the most valuable advantages upon the country, was thus interrupted in its operations—that it was impossible to induce men, even by the offer of double wages, to act in opposition to the commands of those combinators—that the company employed

at least 600 individuals, thus affording subsistence to a large number of industrious families—that the trade which the company established by means of this inland navigation was productive of great good to Ireland, but that its exertions were now effectually paralyzed and altogether defeated by those illegal combinators—that they could not employ men in opposition to their commands, and that, in fact, they could not dismiss an individual from their employment, even for the grossest misconduct, if those illegal combinators did not approve of their doing so; in short, they stated that their lives and properties would be endangered by any such free exercise of their lawful authority. The gentlemen to whom this report was addressed constituted a company, consisting of 600 of the most respectable and influential merchants and traders in the city of Dublin; and they stated, that it was absolutely impossible for them to continue those efforts, to carry on that navigation, from which Ireland had already derived such great advantage, and that they must give up their trade, unless something was done to restore peace and tranquillity in the country. He had referred to those facts—facts that had occurred within the last few weeks, he might almost say the last few days, in Ireland—to show that crime was not, as it might be supposed, or, as it might be asserted, diminishing, or at all decreasing there. He would now proceed to another and a most important question, directly arising out of the statement which he had felt it his duty to make to the House. After making that statement, which he was ready to admit was a tedious one; but which it was necessary to lay before the House in justification of the line of conduct adopted in this instance by his Majesty's Government—having done that, he would now proceed to address himself to the question as to the necessity of introducing some strong powers, beyond those given by the present law of the land, for the purpose of establishing the tranquillity of Ireland; and without entering into the particular details of the measure proposed—which his Majesty's Ministers were not then called upon to do, and which they would not be able to do at such a stage of the Bill, without entering into the minutiae of a bill thus rather unusually subjected to a discussion upon its first reading, of which discussion, however, he did not,



looking at the character and the importance of the measure, complain—without doing that, he should proceed to discuss the expediency and necessity of adopting such a measure at the present moment. The Select Committee of last year, in their Report upon the state of Ireland, recommended, undoubtedly, that the Insurrection Act should be so far put into force as to prohibit persons from being out at night, and to render it an offence to be so out; and they also recommended the establishment, to the fullest extent, of that system of domiciliary visits which it was now proposed to establish: they recommended the establishment of it, undoubtedly, subject to certain checks, and he (Mr. Stanley) was not the person to object to such checks; but he would maintain, that the establishment of such a system was absolutely necessary to enforce the practice of keeping persons at home in their houses at night, in the disturbed districts. But what was the tribunal before which the Committee of last year proposed that those offences should be tried? Before a tribunal consisting of the Magistrates of the neighbourhood, sitting at Quarter Sessions, and that Court, it suggested, should be empowered to sit from time to time, by adjournment, until tranquillity had been restored. Now, if he (Mr. Stanley) knew any one tribunal more than another against which charges had been made, it was such a tribunal as the Committee recommended. If he knew any one thing more than another that was objected to and opposed at former periods, it was the proposition to confide the administration of such a law to the local Magistracy; and this he well knew, that it had been over and over again asserted that it would be a most objectionable thing—he did not say that the objection was well founded; he merely stated its having been made—to confide the execution of such a law to the hands of the local resident Magistracy. They had been accused—he was far from saying that they had been rightly accused—but they had been accused, of perverting the objects of such a law to their own purposes—to their own private ends; and, in fact, as he had already said, there was no tribunal against which so many charges had been made. He repeated, that he did not mean to say that those charges were well founded, but that did not signify; whether they were well-founded or not, it

would be still no less an evil that such an impression should generally prevail, and that after the necessity for the law in question had been removed, and that its execution had ceased, such feelings should be engendered amongst the peasantry towards the resident Magistracy, and that they should look upon them as persons who had perverted the law, which was absolutely and indispensably required for the re-establishment of the public peace, to their own private ends, for the purpose of oppressing and tyrannizing over them. He, therefore, was for setting aside the recommendation of the Committee of last year, as going to establish a tribunal that was much more objectionable upon many grounds, and that would be much more detrimental in its ultimate effects, than the establishment of a military tribunal. It was not for him to repel the charges made by the hon. member for the city of London against military tribunals—it was unnecessary for him to do so, for they had no solid foundation, and they were contradicted by the experience of all those who had known most of such tribunals. The hon. Gentleman said, that such tribunals would be partial, that the officers composing them would be swayed by feelings opposed to those of the people of the country; and he added, that he should be much more satisfied, if such powers beyond the ordinary law were to be given, that they should be confided to a tribunal possessed of a civil jurisdiction. Now, the hon. Gentleman was quite mistaken if he supposed that the military were unpopular in Ireland. So far from that being the case, nothing was more common than for hon. Gentlemen from that country, when they wished to cry down the police, or when they had some such purpose to serve, to say that the soldiery were so popular that they would be quite satisfied, and the people would be satisfied, to see the preservation of the peace intrusted to the hands of the military. It was notorious that the peasantry in Ireland regarded the soldiers as friends; that they looked to the officers for justice, and, in corroboration of that fact, he might state, that when military officers were appointed to the situation of Justices of the Peace in a district, they generally became the favourite Magistrates with the people. It was not necessary for him to repel the observations of the hon. member for the city of London, that the members of such

a tribunal would be opposed by feeling to the liberty of the subject, and that they would be inclined to find as many convictions as the slightest colour of evidence would enable them to do. The hon. Member had also objected to the tribunal in question as a most unconstitutional one. Well, admitting it to be so, was not the measure which they proposed, and under which it would be empowered to act, an unconstitutional one? Had they ever described it as anything else—had they put it forward as a constitutional measure? On the contrary, had they not stated, that they brought it forward solely on the ground of the stern and absolute necessity of the case—a necessity that left them no alternative but to resort to the employment of powers beyond the law, and to seek for the means of affording protection to the subject out of the confines of the Constitution? Such were the grounds on which this measure was brought forward by his Majesty's Ministers, and he would say, that this Bill came particularly recommended to his mind, inasmuch as it was so pointedly and so openly such a marked deviation from the ordinary course of the law, that it would afford hereafter no temptation or justification in the way of a precedent to be resorted to upon another occasion. He would say nothing derogatory of the Bar of Ireland, but this he would say, that it would be with the greatest jealousy, alarm, and repugnance, he should contemplate the employment of the Judges of the land—of men whose characters ought to be beyond a stain, or even the imputation of a stain—of men who should strictly confine themselves to the letter as well as the spirit of the law—it would be with the feelings he had described, that he should contemplate the employment of such men in administering the powers proposed to be given by this Bill. Admitting that he should wish to see criminal offences tried before a civil Judge, yet he saw infinite danger in constituting the tribunal, proposed to be established under this Bill, of Barristers. However well disposed they would be to do their duty, they would be open to the suspicion of seeking to please the Government in their decisions, and they would be the more especially exposed to the popular suspicion, owing to the fact that a great many of the members of the Irish Bar entertained a political bias (and he did not blame them for doing so) opposed to

that of the people at large. He did not mean to say, that they would be at all swayed in the performance of their duty by such a bias; he was sure that such would not be the case; but then their verdicts and their decisions, if they did not please the popular party, would be exposed to such an imputation from the popular side. Let the House only imagine a Barrister, with the political feelings that he had mentioned sent down to administer this Act, and to try offences in one of the disturbed districts. \* He would be at once suspected of going against the popular party, and, however pure and just his decisions might be, they would lose that weight and that influence which it was most important that they should possess, and the imputation of political partiality would be attached to everything that he did. He would say, that if they were to depart from the ordinary law of the land, that departure should be so broad, should be so marked, that there would be no possibility of mistaking it. They should not, as it were, slide out of the Constitution, and, by an easy transition, render their departure from it almost imperceptible, so that it would be made available as a precedent upon some future occasion; no; coming forward as they did with this measure, and grounding it upon the absolute, indispensable necessity of the case—a necessity that called upon them to resort to powers beyond those afforded by the Constitution, the more such a measure was at variance with the ordinary course of the law, the more, in his judgment, it would come recommended as the one which that House should adopt. The hon. member for the city of London had stated, that this measure was divisible into two separate and distinct parts, and that, however willing he might be to support that part of it which would go to give stronger powers to the Government for the purpose of putting down predial agitation, nothing would induce him to support that part of it which was calculated to control the political liberty of the subject. Now, with every desire to promote, rather than control, the liberty of the subject, he would ask whether Ireland was in such a state at present that the liberty of the subject—that the power to give free expression to political opinions and political sentiments, at all existed there? If it were a fact, as it undoubtedly was, that political liberty did not exist in



Ireland—that the free expression of public opinion did not exist there—that men could not give utterance to their opinions in that country without exposing their lives and properties to peril—if that were the case (and could it be denied that it was?) this measure, instead of controlling political liberty, went to extinguish political domination. Was it possible that the free expression and free discussion of opinion could exist in Ireland under the tyranny of a society, one of the many that had been founded by the hon. and learned Gentleman, which altogether controlled the public voice—which put under its ban any man who dared to differ from its decisions—which, in short, endeavoured “to wield the fierce democracy” of Ireland, and which had so contrived to usurp to itself all the forms of the Government, that it seemed made, not to preserve the liberty, but to rivet for ever the political slavery of that country? The learned Gentleman, the member for the city of Dublin, saw no connexion between what he called by the gentle term of “predial agitation,” and that political agitation which he seemed to consider so salutary to the country; and in that opinion it now appeared that he was joined by the hon. member for the city of London. He could most readily state that that hon. and learned Gentleman, the member for the city of Dublin, and those who acted with him in exciting that political agitation, were not to be accused of having directly recommended any acts of outrage any more than they had directly recommended a run upon the Bank for gold; on the contrary, let him do justice to the hon. and learned Gentleman, and let him just read to the House the excellent advice which the hon. and learned Gentleman had, in one of his late letters, given to the people of Ireland. In a letter recently addressed to a paper in Dublin the learned Gentleman says:—“Let me implore of you not to injure commercial credit by calling for a run on the Bank for gold.” Excellent advice this; but why entreat the people not to run on the Bank for gold? Let the House but hear the next sentence of the hon. and learned Gentleman’s letter—“That run will take place of itself, to the last bank-note, if the atrocious Algerine Code be enacted.” That was the advice of the hon. and learned Gentleman. He might, by such a run on the Bank for gold,

seek to embarrass the Government, and, no doubt, by injuring the commercial credit of the country, cause great distress; but the hon. and learned Gentleman seemed to keep altogether out of sight that the adoption of such a measure would be the ruin of hundreds of his poorer countrymen. But the hon. Gentleman had not recommended a run on the Bank for gold, and he had not recommended the Whitefeet to pursue the courses they had been indulging in; on the contrary, it might be, that he had sent down one of what he called his “pacificators” amongst them to pacify them. He had in his possession an account of a speech lately delivered by the hon. and learned Gentleman’s “pacificator;” and he would read it to the House, but that he was afraid to trespass upon its time. He had some scruples too; as the gentleman was under prosecution; though the speech had appeared in all the papers [*Read read*]. He would then read it to the House, as a sample of the kind of “pacification” that this peace-making agent went about to establish. The right hon. Gentleman accordingly read the following extract from one of the late speeches delivered by Mr. Steele:—  
 ‘Honoured as I am by the confidence  
 ‘reposed in me by the father of his country,  
 ‘I stand in a position so high as to enable  
 ‘me to look down on the enemies of  
 ‘Ireland, who injure me, with the contempt  
 ‘they deserve. I obey deliberately the  
 ‘orders of O’Connell, for to his precepts  
 ‘I pay a moral and voluntary allegiance,  
 ‘because he has proved himself well  
 ‘worthy of it. If I got the orders of  
 ‘O’Connell to stand on a mine which  
 ‘I knew was about to spring, I would  
 ‘obey that order without hesitation’  
 [*Laughter*]. This devoted vassal—this slave, ready to obey the orders of a master, however despotic, went on:—‘I told the  
 ‘men of Clare that if such a crisis were to  
 ‘arrive in consequence of any atrocious  
 ‘act of the Government, as that of Camden and Castlereagh in 1798, as that  
 ‘O’Connell should command us to have  
 ‘recourse to arms, and blood, and convulsion, instead of our usual constitutional  
 ‘warfare by which we had achieved such  
 ‘resplendent and inevitable triumphs; in  
 ‘that case, I would not order the Clare  
 ‘men to go into Cratloe wood to cut down  
 ‘trees for pike handles, but that I would  
 ‘first send them to cut down the trees  
 ‘in my own domain of Lough O’Connell;

‘and that I would, of course, myself, not ‘be idle, nor a mere looker-on in the ‘conflict.’ This was, the right hon. Gentleman continued, the ready minister that his despotic master had sent to pacify the Whitefeet in the country parts of Ireland. This was the man who advised the people not to commit outrages just now, for if they did, an awkward bill would be passed in Parliament which would put them down. But would the House also listen to the language of this “pacificator?” In speaking of the Government. He said: “Grey was an atrocious tyrant—Brougham was the most tyrannical of the whole set. The people foolishly thought a good deal of the King—he thought no more of William 4th than of a man in a tripe shop.” This was the low smile of a gentleman who stood in so elevated a situation as to look on the enemies of Ireland with contempt; but it was not the less mischievous because it was low. Mr. Steele went on: “If the same system was continued to be pursued by the Whigs, then the people might walk into his woods and cut down the trees, and he hoped to make good use of the timber.” He then went on to speak of the brave fellows who would not suffer themselves to be shot at. He said: “They are as much against the rascally Whigs as I am, and will assist in putting them down. I asked, if O’Connell thought necessary to order them, would they take Steele for their leader? They all shouted out, ‘they would follow me through the gates of hell.’” A similar address was made at other places, and the gentleman was now undergoing the legal consequences of the language he had used. Political agitators hated the Whitefeet, and wished, they said, to put them down; but was that the impression which the people had?—did the lower classes of the populace so think? Did they not think that, in violation of the law, they were acting under the orders of the hon. and learned Gentleman? or, if not under his orders, at least according to his implied and expressed wish? Trifling things sometimes showed the dispositions and thoughts of the people, and, under this view, he might quote a ballad, which had been sung through the streets of Kilkenny just after the murder at Carrickshock, and when a person was on his trial for that murder. He would read the ballad, not to show the exceeding violence and brutality of it, but to show

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that there were political objects combined with predial outrage. It was entitled “The Downfall of the Tithes;” and ran thus,—

You banished sons of this distressed nation,  
Lend an ear to my joyful song.  
Granua’s sons they are liberated,  
They broke the chains they bore so long.  
The wisp is kindled thro’ this injured nation,  
Recal her heirs to revenge her wrong;  
Not to pay those cursed demons  
Tithes, not legal on Slievenaman.  
The wind along time has been contrary,  
Which caused Erin’s sons to be very sad,  
But now quite suddenly it has turned fairly:  
A breezing gale through the nation ran,  
Which filled poor Catholics with admiration  
To fly next day to Slievenaman.

May Heaven prosper you, sweet Knocktopher,  
No less than Homer could your praises chaunt;  
You loyal subjects that fought victorious,  
Fire and smoke could not your courage daunt.  
They led the rabble (Police) along before them,  
Like wolves opposing the shepherd’s flock,  
Till in death’s cold agonies they left them  
Groaning in the borheen of Carrickshock!  
Who could desire to see better sport;  
To see them groping among the rocks;  
Their skulls all fractured, and eye-balls broken,  
Their fine long noses and ears cut off?  
But Sergeant Wiley, that Orange rogue,  
He may thank his soles that so nimbly ran;  
Yet all that’s past is but a token  
To what we’ll show them on Slievenaman.  
We heard the text of the divine says  
That when the date of the year is gone,  
That one true Catholic without a weapon  
Would banish legions from Slievenaman.

He begged the attention of the House to what followed, because the poet had borrowed not only his ideas, but his very words, from the hon. and learned Member:

The day of ransom, thank God is dated,  
These cursed demons must quit the land;  
It’s now those foreign and proud invaders  
Shall feel the weight of each Irish hand.

The foreign and proud invaders! Could any one fail to trace in those words the fiery denunciations of the hon. and learned Gentleman against the foreign Parliament—the Sassenach tyrants—the slavery under a foreign yoke? Who was it that furnished to the ignorant people these topics of declamation, and then condemned the outrages which had been caused by the hatred and discontent which he had himself excited? The Poet added—

No vestry cess nor tithes we’ll pay them,  
We’ll banish preachers from our land.  
When persecution is terminated,  
And all those traitors are dead and gone,  
Poor Irish captives are liberated,  
All by the means of our noble Dan.  
The tree of liberty we’ll plant so stainless,  
It shan’t fade during the age of man,  
To shew that Catholic Emancipation  
Was truly gained on sweet Slievenaman.

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He read this, not with a wish to connect the hon. and learned Gentleman with any thing so base and atrocious, but to show how, in the minds of the ignorant people, these denunciations were applied to purposes which his conscience would acquit him of ever having intended. No man could hold up to public odium and contempt all the constituted authorities for the administration of the law, and then put his hand on his heart, and say he was not to lay at his door any of the resistance made to those constituted authorities. Without connecting this in any way with predial agitation, he must say, that the existence of societies, such as had now sprung up in Ireland, was inconsistent, not only with freedom, but with the political existence of the country. There could be no law, and no Government, and no security, if all was to rest on the irresponsible will of Associators, calling themselves Volunteers—arming themselves to effect their purpose—carrying all by intimidation, control, and violence, and responsible to no authority, except that law which they habitually taught the people to despise, and habitually encouraged them to resist. He wished to call the attention of the House to what the hon. and learned Gentleman said in a speech he delivered when he first formed his Society of Volunteers :—

The first object is, to put the Volunteers in a state of action—to begin and put them in a state of activity. We are, as we ought to be, unarmed. The only difference between us and the Volunteers of 1792 is, that we are unarmed, and that we wear no uniform ; but I trust there is one species of uniform we will wear, and that is native manufacture. The best revolutions have been effected, and effected in decidedly the best manner, by unarmed bodies. It is the triumph of moral over physical force ; and where opposite means are had recourse to, it generates a worse despotism than that which it is its object to subvert. But the armed force of 1782 had for its object, merely to make an exhibition of their power, and the revolution they were instrumental in effecting was unstained by one drop of blood. The great revolution in which we had a part was effected by the same moral force of determined men, which rendered it impossible for the Government to resist them. I have often said, and I repeat it with pride and pleasure, that the revolution of 1829 was a scarless, stainless, and bloodless revolution. That was effected by these peaceable means, and with the same means the Volunteers begin their glorious career to effect the regeneration of Ireland, by procuring a domestic legislature, by giving

a solution of the question—" Shall Ireland be a nation or a province?" I say—" Ireland not a province, but a nation." That is our charter. Let that be our first toast upon any of those festive occasions, when we may meet to forward any of the great questions connected with the interests of Ireland : " Ireland not a province, but a nation."

That was a pretty sentence, but it so happened it was not new, for he found, on looking at some proceedings, previous to the Union in 1797 and 1798, that the object avowed by some of the associations of that day was, that Ireland should be a nation and not a province ; and this before that desolating Union, which had reduced Ireland to so low a state. Their watchword too, was—" Ireland a nation, and not a province." The Volunteers of the hon. and learned Gentleman were not armed ; but what did the hon. Gentleman go on to say ?—

Let no man tell me that the period will not shortly arrive when we shall not be unarmed, and that we shall not be permitted by law to carry arms. Let no man tell me that the day will not shortly arrive when the Peelers shall be dismissed, and their business intrusted to our management ; for it is only a bad Government that requires such assistance as they can give. We shall take the place of the national guard of other countries, and do all the police duty of the country. There is no liberty if every man is not allowed to carry his own arms—every householder should have his own arms. I hope that every village in Ireland will have eighteen or twenty, ay, fifty Volunteers—that they will meet and keep the peace at all markets and fairs, and who will permit no infraction of the law without bringing the perpetrators of it to justice.

What powers were to be confided to this irresponsible band of Volunteers, who take upon themselves the government of their country, under the pretence of doing justice to her people? Justice! why, it was the very pretext of the Whitefeet. They carried on their system under the name of justice! It was because the poor man was oppressed by his rich neighbour—because too much rent was exacted by the unfeeling landlord from the starving tenant—that the virtuous indignation of the Whitefeet was roused; and their justice (rather of a summary kind), in opposition to that which is established by the Constitution of the country was called forth. There was another speech of the hon. and learned Gentleman, in which he described what he desires the Volunteers should do :—

I am anxious that every man who pays a shilling a-year should be enrolled among the Volunteers of his parish, and that some one individual will accept the office of "pacifcator," and that regulators will be also appointed.

Regulators! why the hon. and learned Gentleman borrowed even his terms from the Whitefeet—the Whitefeet "regulators." They were the "gentlemen regulators of the grievances of their oppressed country," and they ordered the hon. member for Waterford to dismiss his Scotch steward. The hon. and learned Gentleman thought that the Association would form an effective means of preserving the peace. No doubt the peace would be admirably preserved in favour of those who took part with its guardians. The hon. Gentleman also declared, as a consequence of their establishment, that "no man would dare to enter into a conspiracy against the people." But the Volunteers, among their other prerogatives, were to be intrusted with the power of judging and acting on their judgment, as to what was a conspiracy against the people; the conspirators were to be tried by the gentlemen regulators, and punished by being "held up to the odium of their countrymen." The House had had ample proof of what that phrase meant. Again, the hon. Gentleman said:—

It may be asked, do I intend to have the Volunteers armed again? I answer, that I do. I love the institution of a national guard, and I contemplate the arming of the Volunteers when the law authorizes it, but not sooner. They would thus become a national guard; and should not, I ask, every man of character and responsibility be armed—the state in which he lives is not free if he is not armed. As long as the law does not permit their arming, the Volunteers will remain unarmed, but no longer. And I hope soon to see them reviewed in the Phoenix Park, and how then will my friend Tom Steele strut at their head. Ireland will never be tranquillized until the Volunteers spread through the country extensively. When once organized, petty sessions work will be greatly diminished. I wish the people to have recourse to arbitration. The Catholic clergy will assist the Volunteers, and, instead of going before justices of the peace, and incurring expense, let the people have courts of arbitration of their own.

The honourable and learned Gentleman objected to Courts-martial, and yet appointed a Court of Regulators. They would, it was true, be an armed Court. The only misfortune was, that, instead of being subject to the law of the land, and

the constitutional authority of the Crown, the people were subject to illegal tyranny, and the unconstitutional authority of the hon. Gentleman. This system was in operation—the Catholic priests held their days of arbitration, and they selected those days in which the Magistrates held Petty Sessions in the same place. The persons were not to swear, but a book lay before them, that they might consider themselves under the sanction of an oath. There was an intimation that if the parties thought fit to go before Magistrates at Sessions, there were modes of bringing them to their senses. This was the natural—the inevitable consequence of such a system of tyrannical authority, as, under the name of protecting liberty, laid all men under contributions. This was the system of liberty with which Ireland was to be blessed. This was the system which was to abrogate all constitutional authority, which was to take all power from the law and the Government, to execute their sentence by unpaid and irresponsible Ministers, who were to preserve the peace of the country. It was to put an end to such a state of things—to restore the law, and to defend the liberty of the subject against these lawless encroachments, that Government called upon the House to pass this Bill, and create a power which, if unconstitutional, would not be lawless, and would be administered by those who would be responsible for its execution. The hon. and learned Gentleman says, that this system is to be spread over the whole country; and was his system, his pacificating system, proposed to be extended over the whole face of the country, only to be subject to his immediate control? Was the hon. and learned Member's system not expected to supersede the authority of the law in Ireland? Was not every description of offence proposed to be tried before the military tribunal, established under the auspices of the hon. and learned Member? But, he would say, with respect to the proposed measures, that it was not intended that they should come into operation except in those districts where it was proved there existed a power and oppression beyond the law. Was it intended that it should put down and abolish Juries generally? He said no. Was it intended to deprive the people of Ireland of the power and protection of Judges? He said no—by no means; on the contrary, the lighter offences were



taken out from the operation of the measure, and the extent of its operation was limited, in the most cautious and guarded manner, solely to the guardianship and protection of life and property. He wished here to guard against the interpretation which had erroneously gone abroad with respect to an expression used by his noble friend near him on a former evening—namely, that it was the intention of Government to make use of this measure as a means of enforcing tithes. Now, he would say at once, in the most open and decided manner, that no such intention existed. He would say, at the same time, that while his Majesty's Government would be wholly unjustified, and without an excuse, in introducing this measure into any districts where violence and outrage, and insubordination, were not known to exist, they would be equally wrong and negligent of their duty if they did not, where those outrages did exist, extend the protection of the law, in its new form, equally to the security of every denomination of property, whether lay or clerical, and without distinction, also, to the protection, of the lives of all his Majesty's subjects. Let him be allowed to give a further qualification upon a point upon which no honest man could dissent—that this Bill was never intended for the protection of civil claims. But why, he would ask, should it not extend to the protection of the life and property of a clergyman, if residing in a disturbed district, as well as those of any other individual? Surely, if a clergyman was threatened with outrage and violence to his person or property, he was equally entitled to protection with his neighbours. He had, in the course of his observations, been diverted from one point, to which he was anxious to call the attention of the House, and with which he should conclude his observations. He had considered those unconstitutional, tyrannical, and arbitrary proceedings, which resulted from the organized system of the hon. and learned Gentleman—he had considered these proceedings, he said, merely with reference to their effect upon the fair expression of public opinion in Ireland; but he doubted not, a higher aim was intended; and unless the hon. and learned Gentleman should deny and utterly disclaim the expressions which had been attributed to him in print, that aim was more unconstitutional, and more audacious still; it was to trample

upon, and control the prerogatives of that House, by nullifying the freedom of speech and of debate within those walls. He adverted to expressions said to have been used at a meeting of the humbler classes—not certainly to any which could have fallen from the lips of any individual composing the assembly he then saw before him—no, but to expressions which no man who had the remotest pretensions to the character of a Gentleman could have made use of. He should not, therefore, stop to comment upon expressions which spoke of a system of individual robbery legalized by being carried on in a certain place. It was impossible for any man to mistake the meaning of those expressions, but he forebore to make allusion to any Member of that House. He repeated, that he should continue to disbelieve it until he heard the avowal of those expressions from the hon. and learned Member to whom they were attributed—

Mr. O'Connell said, he was ready to state the very expressions he had used at the meeting alluded to by the right hon. Secretary [*cries of "Mr. O'Connell," and "state, state."*]

Mr. Stanley said, that if the House would only be pleased to bear with him for a few moments, he should conclude the observations he had found it necessary to make on that occasion, and then the hon. and learned member for Dublin would have a full and ample opportunity of entering into any explanation he might deem necessary as to what took place on the occasion alluded to. He would deal fairly with the House and with the hon. and learned Member; and, indeed, he should feel that he was not discharging his duty if he did not give the hon. and learned Member an opportunity of disclaiming the observations imputed to him, if he had the power of doing so. When that House went before their Sovereign on the opening of Parliament, they not only asked, but demanded the right of free and unquestioned discussion upon all matters before them; they demanded that discussion should be unrestrained, and without control; and there was no modern instance of any Sovereign having attempted to deny the fullest exercise of that right. This, then, had been the pride and boast of that House. Would it not, then, be too much, on the part of any Member of that House, to assume a power which the Sovereign himself dared not exercise?

Ought any Member of that House to arrogate to himself a right to criticise and point out elsewhere the vote which any hon. Member gave there? Such, however, he could, he believed, prove to have been the case on the part of the hon. and learned member for Dublin. In a letter written by that honourable and learned Member, dated the 10th of February, 1833, and read at a meeting of the Irish Volunteers, he found the following passages:—‘Do not be alarmed about my health. The atrocious attempt to extinguish public liberty with which Ireland is menaced, has made me young again. I feel the vigour of youth in the elastic spring of my hate of Ministerial tyranny, and base English ingratitude. I will write to you again to-morrow. My present hurried advice to you is, that you call the Volunteers together at once; to banish every thought but that of making a good fight to prevent the evils that menace us. To be a good fight, it must be strictly peaceable, legal, and constitutional. Get every parish in Ireland, if you can, to meet to petition against the menaced Algerine Acts. Let the meetings not be simultaneous; that is, let every parish meet quite independent of any other, and advise that none but parishioners should take part in each parish. Let the petitions be in the strongest terms consistent with decorum. In fact, we should in the abstract, prefer death to slavery. I trust that the people of Ireland must perceive that we, their Representatives, have fought their battles unflinchingly.’ Now, he had also fought the battle of the people of Ireland, and he trusted honestly [*an expression of dissent from Mr. O’Connell*]. He would repeat that he had done so. Did the hon. and learned Member mean to say that he, and he only, was to be considered as Ireland, and that those who differed from him in opinion were unworthy of consideration? or was he (Mr. O’Connell) installed in his office of Grand Agitator and Liberator of that country? But he would proceed with his extracts. The letter to which he alluded went on to state:—‘You will see in the papers the list of those who fought for Ireland. You will, I am sure, be glad to see the member for Dundalk in the number. Young Talbot of Athlone, voted in both the majorities. Learn at once what the honest men of Athlone think of this desertion of his country.

‘The two members for the county of Limerick voted also in the majorities against Ireland. Is there no honest spirit remaining in that county to call upon the two gallant Colonels to retrace their steps?’ He would now put it to the hon. and learned member for Dublin, whether he meant to admit this direct and palpable interference with the votes and decisions of that House.

Mr. O’Connell: I do certainly.

Mr. Stanley proceeded: Then he would put it to the House, in the abused and prostituted name of national liberty, whether any more flagrant violation of freedom of speech and freedom of thought ever came before it? Did any noisy spouter about popular rights, any frothy declaimer about popular liberty, ever put forward so flimsy a veil as that with which it was endeavoured to hide a most tyrannical interference of an illegitimate and unconstitutional power over the votes of Parliament? Could there be anything more outrageous than such an appeal—an appeal not to the constituency of hon. Members—an appeal not to those to whom alone they were responsible for their votes, but to a self-constituted Volunteer Association, which was to spread its mighty arms over the whole of Ireland—bringing all within its grasp, and subjecting everything to its uncontrolled dominion? He had now stated the case at length, but he trusted not more at length than the necessity of the case justified. He had distinctly separated the predial from the political agitation—the outrages upon life and property, from those upon civil and constitutional liberty—which were a necessary consequence of the system which existed there. He now called upon them in the name of liberty—as they valued constitutional rights and legal privileges—as they wished to see property, nay, life itself secure—as they wished to protect honest and peaceable subjects against a system of violence and predial outrage—as they wished to exercise freely, and fully their ever undoubted rights—at once to denounce this vile attempt to destroy, under the mask of liberty, every germ of an unbiassed and independent public opinion. He called on them, by their vote that night, to sanction the declaration, that they would rather infringe for a time upon the laws, than suffer all liberty, all law, all constitutional rights, all security for life and property to be absolved—as it must be,



unless Parliament interfered—in one wide gulph of ruin and tyranny.

Mr. *Sheil* rose, amidst cries of “O’Connell,” and “state, state,” which continued for several minutes. As soon as the hon. Member could be heard, he said, that, at that late hour, he thought they could not do better than adjourn the debate, and he rose to move an adjournment accordingly [cries for Mr. O’Connell again renewed].

Mr. *O’Connell* rose to second the Motion. He trusted the House would afford him the opportunity of freeing himself from an impression which had been made against him by what had appeared in the public Press. All that he desired was fair play. He certainly had read the report to which the right hon. Gentleman had alluded. He had read two other reports, in neither of which was the exceedingly offensive passage to be found. When he read the report in question, his first sensation was one of merriment; he thought it exceedingly ludicrous that such a thing should be attributed to him. He would state the fact to the House, and if he had done wrong let them condemn him. He meant not to disguise or mitigate one word, and he would readily admit, that from what he did say on that occasion, he was not at all surprised at the mistakes which the reporter had fallen into. He did say enough to lead him into that mistake. The object in his mind was those bills, and he was speaking of Universal Suffrage, and the injustice, on constitutional principles, of any man being taxed who was not represented. He said, that the injustice from individuals might be punished by law, but that no punishment could be inflicted if that injustice were carried into execution by 600. He then went on, as was not uncommon in speaking, to further illustrate his position, but without intending any connexion between them, to say, that if one scoundrel attempted to rob you, you might resist him by physical force, but if 600 did so, then you could not resist them. They might condemn it; and in his cool moments he certainly would have taken care so to have expressed himself as to have avoided all possibility of mistake. In the heat of speaking, it was not unfrequent to fall into mistakes. He now, in that House, re-asserted both the things which he had then said. He asserted, in that House, that you might resist and punish one person, who meant to rob you, but

that you cannot punish the Legislature that robs you. He asserted, as he then said, that you may resist one scoundrel, but that you cannot resist 600. He did not know, from the manner in which the House then received him, that he ought to condescend to add any expression of regret for any words which had fallen from him, and which might be deemed offensive; but, for his own sake, it was necessary to say, that he could not have intended to apply that epithet to the Members of the House. He must have included himself in the number. He did certainly make the observations which he had already stated, and he considered the reporter was quite excusable, seeing, as he did, the tendency which his words might be construed to have. He begged most solemnly to assure the House, that he had not the slightest intention, in any expressions of which he made use, of speaking in a manner derogatory of that House.

Debate adjourned.

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### HOUSE OF LORDS, *Thursday, February 28, 1833.*

MINUTES.] Papers ordered. On the Motion of the Earl of *RODEN*, the Number of Applications made to the Board of Education, Dublin, for new Schools under their System, and how many of these Applications have been complied with, and in what Counties and Parishes.

Bills. Read a third time:—Trial of Offences (Ireland).—Read a first time:—Delay of Suits.

Petitions presented. By the Bishop of *CHICHESTER*, from Chichester and Warling; by the Bishop of *BRISTOL*, from Cranbourne; by the Earl of *RODEN*, from a Parish in Dublin, and four other Places; and by Lord *DE SAUMAREZ*, from Paddington,—for the Better Observance of the Sabbath.—By the Earl of *RODEN*, from Walton, that the Right of Electing their Ministers may be vested in the People: and from *Smisty*, for a Solemn Thanksgiving for the Disappearance of the Cholera.—By Lord *KING*, from Shadwell; and by Lord *KENYON*, from Marylebone, for the Repeal of the Assessed Taxes.

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### HOUSE OF COMMONS, *Thursday, February 28, 1833.*

MINUTES.] Petitions presented. By Mr. *FINCH*, from nine Places in England,—for the Better Observance of the Sabbath.—By Mr. *GROTE*, from certain Persons resident in London, for Securing the Rights of British Sailors employed in the East-India and Merchant Service; from Chatham, and from Derlys, Carmarthenshire, in favour of the Vote by Ballot.

OATHS.] Mr. *Grote* presented a Petition from a number of persons, called Separatists, stating that they entertained a religious scruple on the subject of oaths, and praying to be put on the same footing in that respect as Quakers. He must express his satisfac-

tion that the hon. member for Cambridge was about to introduce a Bill to relieve all sects from the disabilities under which they at present laboured from similar scruples.

Mr. O'Connell supported the prayer of the petition, and said, he knew of an actual denial of justice arising from the conscientious refusal of an individual to take an oath. In an important case, an insurance office actually lost a large sum of money, for want of the evidence of a man who could not be induced to take an oath. That fact alone showed that the abstract principle on which oaths were insisted upon was erroneous, and ought to be relinquished.

Mr. Murray thought, that the case stated by the petitioners was one of hardship, and the Legislature was bound to relieve them.

Mr. Hume said, he hoped that the day would arrive when the Legislature would wipe off the stain of illiberality by which persons who, from religious scruples, declined to take an oath, were refused the exercise of some of the most valuable civil rights. It was hard that a man's morality should be impeached simply because he was conscientious. As the law stood, a man who was conscientious, declined to take an oath, and that man's evidence was rejected, while a man who was not conscientious, took an oath without hesitation, and his evidence was accepted.

Petition to lie on the Table.

FACTORY REGULATIONS.] Mr. Hardy presented a Petition from the Borough of Bradford, in Yorkshire, signed by 12,000 inhabitants of that place, praying for the enactment of a law by which the labour at present imposed on children in factories might be diminished and regulated. The petitioners were persons who had every day an opportunity of observing the effects of the existing system; and they were of opinion that commercial prosperity was not to be put in comparison with those effects. He did not wish to cast any stigma on the master manufacturers. He was persuaded that they were ready to afford any convenience or comfort to the children, provided the established number of hours of labour were adhered to. But it was to the great evil of such an adherence that, like other human beings in similar circumstances, they were blinded by their own interests. The question was, if the Legislature of Great Britain were prepared to sanction, for the sake of commercial prosperity, a system which cramped the limbs and destroyed the energies of so large a class of the population of the country. The masters said, that

their case had not been heard before the Committee. Even if that were the fact, all that they could gain from its being heard was, to relieve some of them from the imputation of intentional inhumanity. It was impossible to divest the House or the country of the strong impression which had been created by the examination of many of the victims of the system, and by the opinion of medical men, that no human strength was equal to the labour required. He begged leave to press this last consideration upon the attention of the noble Lord who was about to bring forward a measure on the subject; and to assure that noble Lord, that if he added a single quarter of an hour to the time which the medical men had assigned as the limit of healthful exertion, he would not satisfy the expectations of the country; for, let the noble Lord remember, that it was the last feather which broke the elephant's back.

Mr. Strickland expressed his satisfaction at finding that many master manufacturers had signed the petition—a proof that their interests were not so vitally concerned in the question as to make them heedless of the limbs and health of those employed by them. It was for that House, however, to decide on the question as one of humanity. He could never believe, that this system, which worked poor unfortunate children until their limbs were maimed, and their health was destroyed, could be considered as advantageous or necessary to this opulent country. The facts brought before the Committee were so strong and unanswerable that although they might go into a long and extensive investigation on the other side, and might prove that some of the master manufacturers were disposed to acts of kindness and humanity, that could never overturn the mass of fearful evidence which had been submitted to the Committee, or the living testimony which the pallid faces and distorted limbs of the wretched victims of the system, who had been brought before them presented.

Mr. Cobbett thought it was remarkable that nobody had yet attempted to assign the true cause; to show the real necessity for the cruelty of which the petitioners complained. Whenever a Government or whenever a Legislature attempted to interfere in the regulation of labour—to make laws between master and servant, it always failed. They ought to apply themselves to some other cause of the evil which they might hope to remove. They were going to interfere, not between the master manu-



facturers and the children, but between the master manufacturers and the parents of the children. The children in question were not of age, but were under the care of parents who, it was to be supposed knew best their interests, and were the most feeling judges of the extent to which they should be worked. But they were overworked. The Legislature was going to pass a law, not to compel the master manufacturers to behave less cruelly to the children, but to compel the parents of the children to behave less cruelly to them. It was going to say to the world: "English parents are such cruel beings, that we are obliged to pass a law to prevent them from sacrificing their hapless offspring." It might be said, that the masters had the power of mitigating the evil—it might be said, that with them alone was the fault of working those unhappy beings to a state of extreme misery and disease. They could not, if they would alleviate the evil. Then the crime and the misery rested on the parents! How came it that English parents should be branded with such cruelty? How did it happen, that a people the most humane and the most feeling in Europe, should have such a charge made against them? He hoped that House would never consent to pass any law upon the subject, until a proper inquiry had been first instituted into the causes which compelled English parents to act thus. What, then, was the cause? He would tell them. The cause was to be found in this—that the wretched parents were so ground down by taxation—so loaded and oppressed with taxes, taxes laid on to support the rich, while the rich escaped taxation almost altogether—that they were obliged to stifle the better feelings of human nature, and consent to immolate their children, or suffer them to perish from want. And this was the case, while the rich were permitted to escape almost scot free from taxation. Yes, the parents were so ground down by this disproportionate and most unjust system of taxation, that they must either suffer their children to want, or drive them to the factory to be sacrificed. He would not detain the House any longer than merely to state, that in this matter he pinned his faith on the sleeve of his hon. colleague, Mr. Fielden, a very large manufacturer—perhaps a manufacturer employing more hands than any other in the country. That gentleman knew the subject well; much better than he did, for he knew nothing about it. He did not say he was ignorant of the cause. No, no; he did not say that, but that he

knew nothing of a spinning jenny, and of the practical operation of power looms, and such things; but he knew the cause which drove fathers and mothers to be cruel towards their children, and that was, the unequal and severe pressure of a grinding taxation.

Mr. *Methuen* said, the only object of the hon. Member who had just sat down, appeared to be to set the poor against the rich, and create animosity between the different orders of society. This sort of language was not then heard for the first time, for the same hon. Member had published it in *Political Registers*, and vomited it forth in twopenny trash. Very often, for hour after hour, and night after night, the hon. Member had gone on in that strain, as if his sole object was, to make it appear that the rich entirely disregarded the comforts and happiness of the poor. The hon. Gentleman admitted that. What object could he have in such a course of proceeding? He was constantly introducing the subject—never moving his ground, but going round the same space like a certain animal in a pound, and this merely to endeavour to cast obloquy and hatred on one class of society. He begged leave to say, that he and those about him were as much the friends of the poor as the hon. Member professed himself to be—that they had their interests and welfare at heart equally with those who talked so much about them. If the object of the hon. Member was not to sow dissension between rich and poor, its only end, if persevered in would be to involve the whole of England in convulsion.

Mr. *O'Connell* hoped the hon. member for Oldham had not merited the rebuke which had been uttered by the last speaker, more especially as his remarks had been founded on statements which had not yet been contradicted. He had demonstrated out of Acts of Parliament, that the taxation on the poor of this country was infinitely greater than on the rich; and this had been done in so clear, plain, and simple a manner that even the noble Lord, the Chancellor of the Exchequer, with his wonted candour had admitted the injustice of the system, and pointed out the Assessed taxes as another instance of a similar inequality. To their credit would it be, to join the hon. member for Oldham in getting these inequalities removed. As to what had fallen from the hon. Gentleman who had last spoken on the subject of certain publications, he believed that his hon. friend the member for Oldham was as much entitled to circulate his own

opinions out of that House as any other man, and it redounded highly to his honour that by his own intellectual powers alone—by the aid of a pen, at all times ready, on all occasions powerful—he said, it was creditable in the highest degree to the hon. member for Oldham that, unaided by any one, or any thing, except his own talent, his own industry, and his own perseverance, he had raised himself from the very humble situation in which he originally moved, to the proud station which he at that moment occupied. In no other country, probably, but in England, could such a circumstance have happened [*cheers*]. He heartily concurred in that cordial cheer, he received it gratefully; it was a just and proper acknowledgment, for he believed, and readily admitted, that there was not any other country in Europe, but this, where a man originally so low, could unfriended and unassisted, exalt himself to the high situation which the hon. member for Oldham at present filled. It was the greatest eulogium that could be passed on the country. Instead of the hon. Member's anger being raised at the two-penny trash, his good-will should be extended to it, for really these cheap publications might contain more wisdom and more wit than large tomes richly bound, splendidly emblazoned, and loaded with engravings. Nay, patronage was bestowed in these days on cheaper publications than the two-penny trash—it was extended even to a penny publication, and instead of meeting with disparagement the greatest man in his profession had actively exerted himself to distribute knowledge in this way. With respect to the factory question, he thought the House ought to interfere for the protection of the children of the poor.

Lord Althorp rose to make one or two remarks on what had fallen from the hon. members for Dublin and Oldham. The hon. member for Oldham had stated on a former occasion, that the poor paid in taxes forty times as much as the rich, and he had brought forward some resolutions which were founded upon that statement. Those resolutions, however, had been brought before the House, without any previous notice, and the hon. Member himself had so clearly seen the inconvenience of fully discussing them under such circumstances, that he had consented to withdraw them. The hon. and learned member for Dublin, however, had now stated to the House, that he (the Chancellor of the Exchequer) had admitted the truth and accuracy of the hon. member for

Oldham's statements. Now, it was true, he had admitted, that there was in the case of some particular taxes specified, a considerable disproportion; but he had not assented to the general proposition that this was true of taxation generally. He (the Chancellor of the Exchequer) had further said, that this inequality should be removed, as far as was practicable, but it must be obvious, that it could not be wholly got rid of; even in the taxes enumerated by the hon. Member. For instance, in bills of exchange, if the taxes were increased in proportion to the sum, it would effectually prevent such bills being given; and so in the case of the auction duty, if this tax were augmented in proportion to the sum, it would entirely prevent auctions to any large amount. Such a modification of taxation as that proposed by the hon. Member, therefore, was utterly impracticable. However, he would be ready to discuss the question when it should be regularly brought before the House.

An *Hon. Member* said, it was the duty of a Reformed Parliament to heal any differences that might exist, and not to widen the breach between the rich and the poor. A few evenings since, a statement had been made by one of the hon. members for Oldham, that in some part of Yorkshire there were 20,000 persons unable to get bread, and 40,000 earning only  $2\frac{1}{2}d.$  per day. In consequence of this statement, he had made inquiries, which, as the hon. Member was a friend of humanity, he would communicate to him, knowing full well how much they must delight him. He begged to inform him there was no one earning less than two shillings a day, and very few less than three shillings per day.

Mr. Gisborne denied, that the evidence taken by the Committee on the factory system had any application to the factories generally. They undoubtedly applied to the particular factories spoken of, but were in no degree applicable to other factories. Had that Committee continued its labours, evidence would have been laid before it, that would have absolved the manufacturers generally from the imputations that now unjustly rested upon them. At the same time, he freely admitted, that it was the duty of that House to interpose and protect those who could not protect themselves. He hoped that when the Bills of the noble Lords (Morpeth and Ashley) were introduced, they would neither of them be allowed to pass without a dispassionate consideration of their merits. The public mind had been grossly abused on this subject



and exaggerated reports for a long time industriously circulated. In the neighbourhood of Manchester, he was happy to say, that the operatives never had so large a command of the comforts of life. No man, that was an honest man—no one who was industrious and worthy of employment—need be out of work. He did not speak of a village or a district, but of the entire neighbourhood.

Petition to lie on the Table.

**SUPPRESSION OF DISTURBANCES (IRELAND). — ADJOURNED DEBATE.]** Mr. *Sheil* having moved the Order of the Day for the Adjourned Debate on the Disturbances (Ireland) Bill, proceeded to address the House, and said, he did certainly feel that, on rising to endeavour to make a reply to the exceedingly remarkable speech with which the debate of yesternight concluded, he was undertaking a very arduous task. He was perfectly sensible that the right hon. Gentleman had addressed an auditory on whom he certainly made a very profound impression. If the right hon. Gentleman had addressed the most cold and reluctant audience, that faculty of speech, which, beyond all question, he possessed in a very distinguished and eminent manner, would certainly have secured for him the acclamations of the assembly, however he might fail to produce conviction in their minds. But when he united this double advantage—the effect of his own powers with the predisposition and sympathies of his British hearers, it was not a matter of surprise, that so considerable a sensation should have followed the delivery of that remarkable piece of oratory, which the House had heard with so much admiration. But while he thus offered to the right hon. Gentleman, what he trusted would be deemed perfectly sincere on his part, the tribute which was due to him for his distinguished abilities, he hoped the right hon. Gentleman would pardon him if he ventured to express some regret and surprise, that, when he was introducing a question of such paramount importance to that part of the country which was principally the subject of it—or rather, sustaining the noble Lord, the Chancellor of the Exchequer, in introducing a measure fraught with such pains and penalties, the right hon. Gentleman had not thought it judicious to follow more strictly the course pointed out, and the example set him by the noble Lord. If the right hon. Gentleman had appealed exclusively to those documents contained in

the box on the Table—which the House was bound to consider authentic, and which, although they were without a name, were yet, from the assurance of his Majesty's Government, entitled to confidence and credit—then it would have been supererogatory and superfluous for the right hon. Gentleman to have had recourse to what he (Mr. *Sheil*) could not help considering as precedents for producing an excitement not germane or relative to the matter before the House. For he appealed to the House, now that it was cool, and the immediate effect of that address had somewhat subsided, whether, after all, it was calculated to produce a sound and deliberate conviction of the necessity of substituting Courts-martial for the ordinary and regular tribunals in Ireland. He had thus but slightly glanced at that speech, and he trusted, that in the course of what he should have to offer in answer to the right hon. Gentleman's arguments, he should be able himself to manifest that spirit of calm expostulation which, perhaps, was most likely, under the circumstances in which he and his country were placed, to produce conviction, if possible, in minds already under the influence of so much bias. He trusted, that in what he had to say, he should be able to show that he did not proceed without authority in calling the attention of the House to facts beyond dispute, and in arguing upon the piece of legislation before the House. He hoped he should not be considered as deviating from the resolution which had been laid down, if he ventured at the outset to say, that he really felt a degree of depression from the consciousness that there was in that House a feeling already formed, independent of any arguments that might be presented to the House, which might lead to the rash and precipitate adoption of measures of coercion—[*No, no.*] He was sure that those who exclaimed "*No!*" with so much feeling, were perfectly convinced of the truth of the negative which they pronounced; but let them recollect what human nature was. There was a trite example to which he would refer—one which was familiar to us even from our boyhood. One of the most celebrated nations of antiquity was as careless of the liberty of her dependencies and provinces as she was jealous of her own, but her disregard of the rights of her subordinates tended to her own downfall. This great and glorious island might be considered as the chief seat of liberty, not only in the empire, but in the world, but at the same time it

was possible for its rulers to be rash in the infliction of penalties upon those who were subject to their sway. He was afraid he might be justified in saying, that he looked round the House for Judges, but on every side he saw nothing but accusers. Let them do as they would be done by, and remember that aphorism of, he believed, Dr. Johnson "that a nation ought to be taught not to do, what it would never suffer to be done to itself." The Bill was divisible into two parts, for although it gathered a number of penalties together, and it was a sheaf of rods, yet it was easy to reduce them to a separate classification. The statute was directed against political societies and agrarian ruffianism. It embraced the Insurrection Act, and the Proclamation Act, with various additions from other penal statutes, with other original enactments; but it might be considered under the two heads of political and agrarian. Why were statutes hitherto separately passed, and having no affinity, now combined together? In England, in 1819, there had been six Acts passed. There was no consolidation of offences and punishments. So far this Bill was a novelty. This had never been done before. On former occasions, it was the custom to have separate Acts of Parliament. There was a separate measure for the introduction of the Insurrection Act; there was a separate Act for the suspension of the *Habeas Corpus* Act; and separate measures for other purposes of penalty, which it was not necessary for him now to enumerate. This Act was brought in, to combine and consolidate the whole mass of penalty in one coercive statute. He could not discover the reason why the right hon. Gentleman on the other side combined these two Acts together; more especially when another Act had been introduced in another place, for the purpose of changing the venue. Why was it, that the Government separated the Act for changing the venue, and yet combined in one Act a series of provisions which had hitherto been distributed in different Acts of Parliament? He did not dwell upon this point, he merely put the question, being, he confessed, unable to discover any answer to it, except it was, that his Majesty's Ministers wished to avail themselves of agrarian disturbances, for the purpose of putting down political meetings and to avail themselves of political meetings to put an additional, and—as he (Mr. Sheil) thought—unnecessary check upon agrarian disturbances. It was not necessary that any other answer should be proposed to that

part of the Bill which was of a political nature. He believed that most of the House conceived that the Bill, in this particular did not deviate from the principle of other Acts of Parliament. They conceived, that it was so far a mere transcript, or renewal of the old Proclamation Act, with which unhappily, the people of Ireland were too familiar, commonly called the Algerine Act; but this Bill not only contained all the provisions of the old Proclamation Act, but a variety of other clauses were added, which exceeded in severity any thing that former Governments had thought it necessary to apply to Ireland. Now, in what respect did this Bill differ from former measures, as regarded political meetings? This Bill was not only a complete suspension of the *Habeas Corpus* Act, but it empowered the Lord Lieutenant of Ireland, *ex suo motu* (of his own accord), from a mere spirit of caprice (he was not now talking of the present Lord Lieutenant, but of the office) at once to proclaim the county of the city of Dublin. And what was the result? When the Lord Lieutenant proclaimed the city of Dublin the result would be this—not as under the old Proclamation Act, that two Magistrates had power to disperse any meeting, but that no meeting could take place without his previous sanction. The liberty of the Press, too, was at once at an end. The House ought to be aware, that if a proclamation took place there was an end to the liberty of the Press for a double reason. In the first place, the editor of a newspaper in Dublin might be at once incarcerated, because he might be charged with an offence in a proclaimed district. This was undeniable. In the next place, he might be imprisoned merely upon an allegation that he had published a seditious libel; and who were to be the Judges of this fact—who were to be the Judges of the law of libel? The Courts-martial. Courts-martial to be Judges of the law of libel! Nay, more, the Bill was retrospective. It extended to offences committed before the proclamation. There was no limit as to time. There was a provision that the Courts-martial should take cognizance of offences committed either after or before the proclamation; and what would be the result of that? If the Lord Lieutenant considered any publication in the light of a seditious offence, the editor of the Dublin newspaper who published it might at once be incarcerated—might be kept without trial for three months, and when tried was to be tried by a Court-martial. A Court-martial



to try a man guilty of libel, or, at least, charged with it! If it were an act of a more immediate and palpable kind, at which witnesses were present—of which evidence could be given—there might be some plausibility in having it tried by a Court-martial; but for such a tribunal to try an offence, which involved some of the ancient metaphysical difficulties—to try what the Judges had formerly held to be out of the cognizance of a Jury, and purely and entirely a question of law—this appeared to him an exceedingly strong and novel proceeding, and, to use the softest phrase, at variance not only with the former declarations of his Majesty's Government, but with all the reasons with which they endeavoured to support the Bill. Were the English Members aware of this—were the men who shouted with laughter, in testimony to a vile ballad read last night by the Irish Secretary in imposing despotism on Ireland, aware of what this Act contains? Did they know what they were called upon to do? The Tory Government never asked for, nor even thought of such powers as were now demanded. They enacted the Statute which is denominated "the Algerine," but here was a master piece of despotism, for which hardly any country will supply a designation. The Government should not complain of any strong phrases applied to this enactment, for they themselves confessed that it was an outrage on the Constitution; and, indeed, the Secretary for Ireland had insisted that one of the chief perfections of the Bill was, that it was so peculiarly detestable that it never could be selected as a model, and what the Whigs did in 1833 the Tories would be ashamed to imitate for a century to come. Let us, say the Government, devise such a measure as shall so shock all the instincts of Englishmen as to render it impossible to follow it; and let this first-born of the new Parliament under our auspices be so monstrous, that it will be impossible ever to produce an equally hideous deformity. It was, therefore, only a coincidence with the Minister's own view of his achievements, to represent this Act of Parliament as peculiarly deserving of execration. Its merits were set off by invective, and its value illustrated by vituperation. The Courts-martial might be introduced at once into the city of Dublin. Was that right? The city of Dublin might be proclaimed. He only spoke of the "may" but the right hon. Gentleman flung the possibility from him, as if it were an affront to his political character. He

did not complain of the right hon. Gentleman. He said more—he was willing to believe, that the right hon. Gentleman was as firmly determined not to apply Courts-martial to the city of Dublin as he had been a few months ago not to apply the Insurrection Act to any part of Ireland. But could the right hon. Gentleman answer for his successor? Might not Titus be succeeded by Domitian? When men legislated, they must look to measures, not to men. They were not to look to those who were in office, or those who might follow. That was not the question. They should look to what the law was to be, and the abuses to which it might be liable. Despotism was said to be the best of all Government if it were properly administered; but who would, on that account, establish a despotism, and expose himself to all the evils that would follow in the transition from despotism to tyranny? It was his conviction—and he was sure it would be the conviction of all who would take the trouble of reading the Act with attention—that the Lord Lieutenant was empowered to proclaim the city of Dublin. Not contented with establishing Courts-martial amidst the scenes of outrage and of horror, it erected them in the city of Dublin, where Ministers had Jurors at their command, and not very stubborn Judges, and where a conviction was as easy as an accusation. Were cities to be included? To be sure they were, in order to strangle complaint, and tread every spark of liberty out. Were these outrages committed in the streets of the Irish metropolis? Were assassinations perpetrated in its recesses? Was no house secure from burglarious ruffianism? Why, in God's name, did they desire to establish Courts-martial there, unless it was, that they desired, that there should be a system as absolute as Lisbon and Warsaw (there are Courts-martial there!) can now exhibit. But Ministers said, they must put agitation down. Why not be contented, in the first place, with the old expedients, and why not resort to the Common Law? If it were said, that it was right that the Lord Lieutenant should have the power of dispersing meetings, and if the Secretary for Ireland was justified in referring to a variety of speeches alleged to have been delivered at assemblies in Ireland, what was the reason, let him ask, that the Irish Government had not instituted a single proceeding upon a single speech delivered at any one of those meetings! Have they prosecuted a single speech? They prose-

cuted, indeed, the country papers—they persecuted the *Tipperary Free Press*—they threw the writers of the *Comet* into gaol—but against a single factious oration they had not instituted a single proceeding. Had they no Jury? Did they distrust the complaisance of the Corporation? Would not twelve Aldermen have suited their intents? Had they no evidence? Short-hand writers in the pay of Government were employed at every meeting. Before they resorted to this terrible stretch of the prerogative, try, put to its simple test, the efficacy of the law. Instead of taking this course, they permitted discontent to ripen into what they considered excess, and then availed themselves of the fragments of oratory such as were last night produced; and a ballad, written, perhaps, in a police barrack, in order to degrade the people into slaves, and, by playing the part of tyrants, equally to degrade themselves. Here, then, in the first section of the Act, the design was manifest. It was, not to crush insubordination, and check the barbarities perpetrated in the south; it was to extinguish all the rights of British citizenship in the metropolis, that they demanded this frightful authority to be put into their hands. Let any man who thought that exaggeration, not content himself with saying so, but examine the Statute. Here it was; the proclamation went forth; it appeared on the Castle-gates—that instant discussion, personal freedom, Trial by Jury, Liberty of the Press, all vanished in a moment. Did the exigency of the case call for this? Was the law overturned? If it had been violated, what was the reason, he again asked, that there had been no prosecution? There was a speech, or, rather, fragments of different speeches, read last night, by the Irish Secretary, which had been delivered by his (Mr. Sheil's) friend, Mr. Steele. Undoubtedly that speech had produced the effect intended. But was the right hon. Secretary for Ireland aware, that Mr. Steele had delivered a speech, on a former occasion, fully as strong as the matter which had been read last night, if not much stronger? That speech he printed himself—put his own name to it—and then went of his own accord to the house of the Attorney General, sent up his compliments with his speech, and informed the learned gentleman, that he was the author, in order to relieve the printer from any responsibility, and that he was prepared to abide his trial. What did the Government? Did they prosecute him? Did they take

any steps to do so? They were prosecuting him now? Why did they not prosecute him then, if they had materials? Why prosecute him now, and not then? Was it that they were availing themselves of speeches more recently made, exactly of the self-same character, by the same gentleman, because it suited their convenience? It was deemed far more advisable to wait for an opportunity to establish a despotism; and to resort to the harangues of a generous and chivalrous man, as a pretence for its infliction. Come, now! he asked the Irish Secretary, what was the cause that he had never prosecuted a single speech made at the Political Unions? The House knew that they had produced an abundance of matter which, one would think, was fit for prosecution. Why had not the ordinary law been enforced in Ireland? Why had they not proceeded by criminal information? This they had never tried. The House was told, that the Government felt a reluctance to depart, in any way, from the law of the land, and that they would try every experiment before they had recourse to anything beyond the Constitution. Where was the Constitution, he asked? He found none. Did the Irish Secretary mean to intimate that justice was not to be had in Dublin, and that no verdicts could be got? Would he say, that he could procure no evidence? Would he not admit, that he had been in the constant habit of employing a short-hand writer at every one of these meetings, for the purpose of receiving evidence, if it were necessary, to institute any proceedings? He said, therefore, it was perfectly preposterous to profess a desire for the pure and perfect maintenance of constitutional principles, while they had not instituted a single prosecution in the ordinary course of law; or was it this—that they had determined to let the spirit of discontent get to such a height that they might avail themselves of it in an official communication to that House, and make use of the speeches to which the right hon. Secretary referred, as evidence of the state of Ireland, and as an inducement to the House to pass Acts which the right hon. Gentleman admitted to be at variance with the spirit of the Constitution? He was not guilty of any inflammatory exaggeration. How so? Speeches had been made; the Government had proof of those speeches; they had been delivered in Dublin; they were to be tried by Corporation Juries, selected by the Sheriffs in the Court of King's Bench, where no intimidation was possible. They had never



adopted those proceedings, and therefore he said they had given proof that they were not influenced by a desire to try every other expedient before they came to the conclusion that measures of severity were necessary. As he was going to leave this part of the case, he wished the House to be good enough to bear the circumstance he had just stated in memory. The whole of what he had mentioned on this part of the Bill reduced itself to two positions: the one position was, that the Government had never put the sufficiency of the existing law to the test; and the next, that they availed themselves of this incident which they had permitted, if not encouraged, for the purpose of establishing Courts-martial in Ireland, and of extinguishing the freedom of the Press, and the right of petition. But it was suggested, that the meetings in Dublin were connected with disturbances in the country. It was asserted, that political agitation caused predial outrage. This was the allegation. Where was the proof? Were these disturbances of recent occurrence? Let them look at the history of Ireland for the last fifty years, and they would scarcely find a series of five years unattended by them. They would find disturbances of the self-same kind existing in Ireland when societies and associations were not heard of. They would find a remarkable and conspicuous circumstance—and he had proof of it—that, at a period when a certain society had acquired most power and dominion, local disturbances almost entirely ceased. He would beg leave to read a passage from the *Annual Register* of 1828, and to this he begged the attention of those who wished to do justice, and reflect calmly before they inflict punishment. The extract to which he referred said, that ‘Whatever the motives of the Association might be, its exhortations and the influence of its popular leaders succeeded in reconciling the factions whose feuds had so long broken up the peace of the country. Throughout the counties of Cork, Clare, Limerick, and Tipperary, these sworn enemies assembled, not for discord and bloodshed, but to lay down their dissensions and animosities, and to engage to live in future like countrymen and brothers. The consequence was, that those districts of Ireland which had become almost proverbial for scenes of violence and murder, exhibited a degree of order and tranquillity to which they had long been strangers. The best proof of the fact was, that the Judges of

‘the circuit had the rare happiness of congratulating the Magistrates, in almost every county, on the small number of crimes, and the absence of great atrocity in those which appeared to have been committed.’ [That was a distinct admission that agitation put an end to crimes; and would any one tell him that the present disturbances were caused by agitation, which was at that period found to have the directly opposite effects? If any indifferent person were asked as to the causes of the disturbances in Ireland—any one but a person connected with the Government—what would be the answer? To appeal to a member of the Government, or a subordinate person under the Government, would not be a fair principle of legislating on a point of importance. But let them go to Committees of the House of Commons; let them look to the evidence before those Committees. Would that evidence give the same account of those disturbances as that given by the Chancellor of the Exchequer, and the Irish Secretary? They did no such thing; and the House should go back to consider the causes of former similar disturbances. He appealed, therefore, to 1776, when the first Whiteboy Act was passed. This Bill embraced the whole of the provisions of that Act. And what account did Arthur Young, who travelled through the country at that period, give of the state of things? Let the House see if the same causes did not operate then as now, and then decide whether the remedy proposed by the Government was applicable to the political disease under which the country laboured. Arthur Young said; ‘Consequences have flowed from these oppressions, which ought long ago to have put a stop to them. In England, we have heard much of Whiteboys, Steelboys, Oakboys, Peep-of-day boys, &c. But these various classes of insurgents are not to be confounded, for they are very different. The proper distinction, in reference to the discontents of the people is—into Protestant and Catholic. All but the Whiteboys are among the manufacturing Protestants of the north. The Whiteboys are Catholic labourers in the south; from the best intelligence I could gain, the riots of the manufacturers had not other foundation, but such variations in the manufacture as all fabrics experience; and which they had, themselves, known and submitted to before. The case, however, was different with the Whiteboys, who, being labouring Catholics, met with all those oppressions I have described,

‘and would, probably, have continued in full submission to them, had not very severe treatment in respect of tithes, united with a great speculation upon a rise of rents, about the same time, blown up the flame of resistance. The atrocious acts they were guilty of, made them the object of general indignation. Acts were passed for their punishment, which seemed calculated for the meridian of Barbary. This system arose to such a height, that, by one enactment, convicted offenders were to be hanged, under certain circumstances, without the common formalities of a trial. The Act, though repealed the following Session, marks the spirit of punishment prevalent at that day—while others remain yet the law of the land, that would, if executed, tend more to raise, than to quell an insurrection. From all which, it is manifest, that the gentlemen of Ireland never thought of a radical cure, from overlooking the real cause of the disease; which, in fact, lay in themselves, and not in the wretches they doomed to the gallows. Let them change their own conduct entirely, and the poor will not long riot. Treat them like men who ought to be as free as yourselves; put an end to that system of religious persecution which for seventy years has divided the kingdom against itself. In these two circumstances lies the cure of insurrection—perform the removal of the evil completely, and you have an affectionate poor, instead of oppressed and discontented vassals. A better treatment of the poor in Ireland is a point very material to the welfare of the whole British Empire. Events may happen which may convince us fatally of this truth:—if not, oppression must have broken all the spirit and resentment of men. By what policy the Government of England, can, for so many years, have permitted such an absurd system to be matured in Ireland, is beyond the power of plain sense to discover. That was Arthur Young’s opinion in 1776.’ From that time to the present, a perverse adherence to the unnatural and anti-national Establishment of Ireland has uniformly led to the same results. But it would be said, that since that time there had been an end put to religious distinctions in Ireland. He answered, there had not. They had stopped short at the measure of emancipation without introducing other measures of amelioration which were equally necessary. The Irish Secretary said, he had expected that the Special Commission in the Queen’s

County would have succeeded. How did it happen that every Special Commission except that had succeeded? He had the declaration of the right hon. Gentleman, in May last, that he would not consent to the Insurrection Act until he had tried the effect of Special Commissions. He said, he would never consent as long as it was possible to avoid it. He said, that the right hon. Gentleman should have avoided the circumstances which were productive of that necessity. The question here was as to the causes of the disturbances. The Irish Secretary came not with the documents of the Chancellor of the Exchequer—he had a special set of his own. To account for the riots, and to justify the institution of the Courts-martial, the Irish Secretary read what he said himself were cruel and malicious attacks. He ought to have read his own Tithe Act. The people of Ireland referred the calamities of their country to him. They charged him with having, by his measures, produced—he would not say a seditious, but a violent excitement in Ireland. Had the Government not been warned against measures which it introduced last Session? Had not the Irish Members foretold that they would produce confusion? But there was the same laughter at the seven-and-twenty then as at the sixty now. They were the subjects of taunts and contumely, and sometimes of angry reprehension. Was it fair, he said, was it just, was it right, of the Irish Secretary, to appeal to ballads and speeches, when he ought to have referred to his own Acts of Parliament? The right hon. Secretary forgot that notable cause for indignation. Talk of agitation, could any agitation be equal to his own compulsory Tithe-bill? Were the people of Ireland to have their liberty put down, because the right hon. Secretary, from a violent attachment to the English Church Establishment, of which he was originally the advocate, had passed a measure which was the cause of all the disturbances? But his opinion might be looked upon with suspicion; it was fair, therefore, to have better evidence. He was going to appeal to a book from which the right hon. Gentleman had read some extracts last night. He was not about to quote the statements of the reverend father O’Connor, or of any other Catholic priest, but those of the successor in the office of Commander-in-chief of the gallant Officer who addressed the House last night. What did Sir Hussey Vivian say, when asked the causes of the unfortu-



nate state of the Queen's County? His evidence was to be found at page 92 of the Report. To suppose that the right hon. Gentleman had not read the Report, would be something like treating him with disrespect, but certainly, when he looked at the speech of the right hon. Gentleman last night, some grounds were found for believing that the right hon. Gentleman had not paid all the attention to it which it deserved. The right hon. Secretary was a Member—

*Mr. Stanley:* I did not attend.

*Mr. Sheil:* Not attend! Good God! Did he hear correctly? A Committee was named by Sir Henry Parnell in the midst of an emergency in May last, to consider the state of Ireland; the right hon. Secretary declared that Committee to be most important, his name was the second on the list, the Commander of the Forces was examined, and the hon. Gentleman does not condescend, or was too much pressed by occupation rather, to attend. This was a precious mode of managing Irish business. And what did he tell the House? Having neglected to attend himself on the inquiry, he told the House not to inquire. But let them come to facts. He would, therefore, take the liberty of referring to a part of the Report which bore immediately on the question before the House. The evidence he referred to was that of Sir Hussey Vivian; and he says, "The combination is directed against tithes at present, and if you could satisfactorily arrange the tithe question you would, I should hope, have Ireland pretty quiet. I think it is in other respects as quiet as it was twenty years ago. Get rid of the first cause of excitement, and you will tranquillize Ireland in spite of agitation. But what had the right hon. Secretary done? Why, deaf to all remonstrance, insensible to every entreaty, although he was implored to forbear, to wait at least for the reformed Parliament, he passed his Tithe Act, at the close of the Session, trampled on the Irish with his English majorities, and effected an achievement in legislation to which existing calamities might be referred. It was too bad—it was not to be endured—to hear the right hon. Gentleman talk of the Special Commission in the Queen's County having failed, when he himself enacted such statutes as would overthrow all peace in any country, and had driven the people to excesses, of which the consequences ought to be on his own head. The fault was with him. But for his measures, of equal rashness and impolicy, the county would now be tranquil. He first drove Ireland des-

perate, and then he called for penalties for her correction. From what had fallen from the right hon. Secretary last night, he was inclined to think that he had not read the Report, because the evidence was in such direct opposition to the grounds on which he advocated this strong and arbitrary measure. He would not however refer solely to the Report, but to the speech of the right hon. Secretary on the occasion when the Committee was moved for, and from that speech it would be found that the right hon. Gentleman had strenuously argued that, before any strong measures should be adopted, inquiry ought to be instituted. The right hon. Secretary would then support an inquiry at all events, but, if inquiry was to be made at all, why should the question not be referred to an Irish Committee, or to a Committee of English gentlemen? Why should Government trust to the evidence of constables, of the paid agents of Government, of men who gained a livelihood at the expense of the sufferings of others, and whose interest it was, to paint the disturbances of the country in the blackest colours? What was it which gave rise to that Commission? It was moved for by Sir Henry Parnell, and the right hon. Baronet, in bringing forward the motion, expressed an opinion that strong measures should be resorted to for restoring peace and good order to the Queen's County. On that occasion the right hon. Secretary delivered his opinion: although he admitted that the Queen's County was seriously disturbed, he preferred instituting an inquiry, and, at all events, trying a Special Commission, such as that sent to Clare, and which had tranquillized the country. The following extract from the right hon. Gentleman's speech would show the sentiments by which he was then guided; a few words only were necessary, and they were these:—

'With respect to what had been said about the Government desiring not to go into the causes of the disturbances in Ireland, the fact was, that he had told the hon. Baronet, that a motion so framed would be too large for any chance of advantage from the inquiry, and which, if made, would be productive of no result whatever. On the other hand, he thought that some inquiry would be beneficial. That an inquiry into the immediate causes of these crimes; into the manner in which they were perpetrated; into the sort of offenders who committed them; and the mode in which they had before been put down, would be sufficient to show that

' the existing laws were fully adequate to  
' extinguish these disturbances. The ex-  
' perience of the past had shown this to be  
' the case in Clare, Galway, and Kilkenny,  
' and if he were to select three counties  
' which were now the most peaceable in  
' Ireland, he should choose those three  
' in which, by the means of Special Com-  
' missions, the ordinary laws of the land had  
' been administered. If the Magistrates did  
' their duty in Queen's County, he had  
' no doubt the result would be the same.\*  
In May last the right hon. Secretary de-  
clared, that a Special Commission had  
proved efficacious in every instance, and he  
announced that Galway, Limerick and  
Clare, were among the most tranquil parts  
of Ireland?

Mr. Stanley: They are so now.

Mr. Sheil: What! was this admitted?  
Then what became of the charge, that the  
Political Union and the Volunteers had  
thrown the country into confusion? How  
did it come to pass that Clare, the field  
where the battle of emancipation and its  
victory were won, was quiet, if Daniel  
O'Connell shook the fabric of society to the  
centre? Was Kilkenny and the Queen's  
County, the O'Connell country? Could  
they on a map trace the extent and limits  
with a red and green line of this terrible  
power? See into what inconsistencies they  
fell. The reason of certain districts being  
disturbed was, that there the tithe resist-  
ance was begun. The Special Commissions  
did not lay the seeds of peace deep enough;  
and before the fruit could be produced, they  
were disturbed by a renewal of the agita-  
tion engendered by the right hon. Secretary.  
Kilkenny was the county in which the  
priest's horse was seized for tithes. Kil-  
kenny was the county in which the priest  
himself was recently arrested for tithes,  
and in Kilkenny the effects of the right  
hon. Gentleman's genius for legislation was  
peculiarly conspicuous. He admitted, that  
three Special Commissions had completely  
succeeded. One, the last, had, he said,  
failed. Was one failure to counterpoise  
three instances of success, and on that  
single failure were they to build the des-  
potism of Ireland? But with regard to  
the remedy. He had charged the right  
hon. Secretary with neglect of duty, not  
only in not attending the Committee, but  
in not having read the Report carefully; and  
he was justified in saying so. From the  
speech of the right hon. Gentleman last

night, every one would believe, that the  
Committee recommended severe measures  
for the Queen's County. Now, the con-  
trary was the fact, for on referring to the  
Report he found, that it stated that lately  
a considerable improvement had taken place  
in the county, and recommended that a Spe-  
cial Commission, such as that sent to Clare,  
should be appointed for Queen's County. The  
Committee recommended no such thing as a  
court-martial. Did Sir Hussey Vivian—did  
Sir John Harvey recommend courts-martial?  
did any one, in fact, examined on the  
Committee, recommend such a departure  
from the Common and Statute Law of the  
land? Why, then, does the right hon.  
Gentleman make such a statement, which,  
in looking at the Report, he will find is at  
variance with the evidence? The right  
hon. Gentleman quoted the Report, and  
egregiously misconceived it. He had also  
stated, that the Committee recommended  
that the Quarter Sessions should be held  
without a Jury. No such thing. The  
Committee recommended that the Quarter  
Sessions should be held from week to week,  
at the will of the Lord Lieutenant, and that  
when a search-warrant should be granted,  
and offenders discovered, the punishment for  
the first offence should be as slight as pos-  
sible. That was the purport of the Report  
on that subject; and for the satisfaction of  
the House, he would read that portion of it  
to which he had alluded. The Report said,  
' The first object of the law which the  
' Committee recommended to be passed is,  
' to give power to the Lord Lieutenant of  
' Ireland—if in case of violent disturbance  
' of the peace by a Whiteboy opposition  
' shall actually occur—to issue his warrant  
' for a special assembling of the Quarter  
' Sessions, at a period when, according to  
' the ordinary course of the law, it could  
' not assemble; and if the occasion should  
' seem to require it, to appoint a person of  
' high standing at the Bar to act as assessor  
' to the Court.' There was not one word  
in that about suspending the trial by Jury;  
and he would go further, and say, that, were  
a Committee appointed to inquire into the  
disturbances of Ireland, no such recommend-  
ation as that of abolishing the ordinary law  
of the country would be embodied in it.  
He could tell the right hon. Gentleman,  
that it was the act of Government which  
had caused all the dissatisfaction. It was  
their measures for enforcing tithes which  
had raised such unqualified discontent. If  
the seeds of discontent were sown by the  
Government, how could it be expected that

\* Hansard (third series) xiii. p. 272—3.



they would not take root? But why not try a Special Commission? Why not act according to the advice of the right hon. Gentleman? He was against extraordinary measures for the Queen's County; and why should he recommend extraordinary measures for Kilkenny? In order, however, to judge fairly of the measure, the best way was, to refer to the evidence of those who had been examined in the Committee. He would refer particularly to the evidence of Mr. Barrington, a man of high rank, and whose father had been raised to the Baronetage for his munificent and charitable deeds [*cheers.*] He asked no cheering—he asked only for a full inquiry—he asked for the fullest consideration before they bound together a sheaf of rods to scourge the country. The evidence of Mr. Barrington was the following:—

Q. Have you any remedy you would suggest for the quietude of the country?

A. The only remedy I would suggest is the preserving the administration of the laws in the ordinary forms, and the prosecution of every outrage that occurs. I think the people are more attached to and satisfied with the Administration of the ordinary law, than they would be by any extraordinary measures. That is proved by their never having shown any hostility to Jurors.

Again—

Q. You have stated that the malignity of the people is infinitely greater towards Magistrates who act under the Insurrection Act than towards Jurors; have you known such instances?

A. I have. I have never known instances of hostility to Jurors at the same time that the persons, who have been acting as Jurors, have been attacked returning, from the Insurrection Act, though they have been serving on a Jury to try a capital offence, and on the Insurrection Act to try a transportable one. There is a rancour remaining in the country for years after, and a hostility against Magistrates who act under the Insurrection Act; not the slightest against Jurors.

Again—

Q. Your opinion is, that the law is sufficiently strong, and that the procuring obedience to it depends on the proper administration of it?

A. Certainly; proper and prompt. If the Committee will put any other imaginary cases to me I shall endeavour to point out how they can be met, and how the present law is applicable to them. I speak of the law to meet offences committed; it is not for me to judge of its sufficiency or insufficiency as to meetings.

Q. Is it not possible there may be the same hostility against Magistrates acting under this Whiteboy Act?

A. That depends on the mode of trial. If you try them under the Insurrection Act for the same offences, it will; they do not consider it a fair tribunal at all. They think that they are transported without a trial, and by the Magistrates; but when tried for the same offences under the ordinary laws, though the result may be the same—they are satisfied with the one, and displeased with the other.

In confirmation of what he had said he would refer further to the charge of the Chief Justice of the King's Bench on the efficiency of the administration of the ordinary law by means of a Special Commission, but, before he read that, he would ask what were the grounds for departing from the usual rule—why not appoint a Commission? Commissions had been tried in three counties, and there had been only one instance of failure, and was that a reason for not trying them again? Why the thing was absurd. The conduct of Government was at variance with the Reports of Committees—it was at variance with the opinion of the House—and it was at variance with the declared sentiments of the right hon. Gentleman. What did they say to all this evidence? Why, they produced a vile ballad, and flung the literary puddle of the town of Clonmel in the faces of the Members, and they read anonymous letters from miserable menials and interested terrorists in the police; and on documents which would not be received as evidence in an assault case in a Court of Justice, they pronounced sentence upon Ireland standing as a culprit at the Bar. Within five months after the complete success of a Special Commission, they brought forward this humane and merciful Act of Parliament. The right hon. Gentleman had read two documents from the evidence of Sir Patrick Bellew, and the opinion of the Attorney General. Now, he would ask, did Sir Patrick Bellew advise Martial Law; and that, even in a county where there was a Catholic Lord-lieutenant, two Catholic Members for the county, and two for the borough? He would ask if they had any other documents from Lord-lieutenants—had they, in fact, anything but anonymous epistles—at all events anonymous to the House? Had they any documents which could warrant them, when Ireland stood at their Bar, in putting an end to the ordinary law, and establishing arbitrary authority throughout the country? What were the documents Government trusted to? The reports of police constables—of the chiefs

of the constabulary force, and of men who earned their bread by their subservience to the ruling powers; and who would despise the Government but for the means of subsistence which they procured from it. Were there no other persons but these from whom reports could be received? What said the other Lord-lieutenants? Had they heard from their friend Lord Wicklow, or from Lord Lorton, or Lord Enniskillen? Had these, their natural auxiliaries, the men of their choice, who saw Ireland through such an impartial medium, furnished Ministers with their views? Had any one Lord-lieutenant, except Sir Patrick Bellew, addressed them? If they had, tell the House; if not, of what use were they? In Heaven's name, who had advised this proceeding? These were not the authorities consulted—the principle authorities were the chiefs of the constabulary police. They had received one letter from a Popish Lord-lieutenant, but were there no other Lord-lieutenants to complain? Was there no complaint from Lord Duncannon or Lord Ormond? There were complaints from some other quarters, but then, at the most, these were “few, and far between.” How could the Government know the real state of the country? There was not one Irishman in the Cabinet; the Attorney General, in fact, was the only person whom they could consult, and he was all but a Tory—no great crime now—who some time ago did not choose to resign, like some other member of the Government, but preferred waiting to see how the tide turned. With regard to the Queen's County, what did the Attorney General say at the conclusion of the Special Commission? Was his speech against Special Commissions? Did it show anything like a tendency for Martial Law and the abolition of the right of the subject? Nothing of the kind. It said that, with one exception, all the persons accused had been convicted, and that the Jurors had in every instance acted with firmness and caution. The fact was, that out of thirty-nine charges, thirty-eight had been made out; there had been only one acquittal. Yet, with all these facts staring him in the face, the right hon. Gentleman would do away with the ordinary law. The Minister knew nothing of Ireland, but, in the face and teeth of the report of men well versed in Irish affairs, and of the most important evidence, they built their adventurous and tyrannical

legislation on the miserable anonymous (anonymous to us) correspondence of the subordinate authorities in the disturbed districts. The speech of the Lord Chief Justice, to which he had already alluded, was equally in favour of Special Commissions in preference to military tribunals. That learned Judge said, in his charge to the Grand Jury of Queen's County. ‘Although the calls upon us for the discharge of that duty are, alas, too frequent—and although this mysterious engine of secret combination shifted from place to place, continues to be wielded and worked by some invisible hand—from time to time—now against one part of the island, and now against another—yet those who have had the experience of many years of official and judicial life can assure you, that it has never been able to stand against the venerable authority of the laws vigorously and calmly brought to bear upon it. It is little more than a year since the county of Clare has been agitated to a degree beyond what was ever known in Ireland—short of civil war; and the insurgents had almost, if not altogether, taken the field; but the course of justice, at two Assizes and one Special Commission was—contrary to the apprehensions of many—found sufficient to put down the mischief; and I believe that I am correctly informed in stating that, at this moment, tranquillity is perfectly re-established in that county, that the misguided people have become sensible of their errors, and that confidence and good will are restored amongst those classes so lately arrayed in hostility against each other.’ The learned Judge, after alluding to former cases of disturbances, and the success attending the Administration of the ordinary law in restoring tranquillity, proceeded—‘All these counties were visited, as you are now, by Special Commissions; and all were pacified, some, I hope permanently, some for a long time; and if there be others, again, infected by this moral pestilence, I trust that the same effects will follow from the same causes; and that the laws of the country will be always sufficient to subdue the disease, and stop the contagion. But let it be remembered that if this expectation should be disappointed—if the deluded people should continue incorrigibly to increase in wickedness, as they have lately done, they may have to repent of



‘the additional guilt of bringing down upon their country the operation of those stronger measures, to which, in cases of extreme necessity, the Legislature has often resorted. You all know what I allude to; and many whom now I see can remember—as I do—the suspension of the *Habeas Corpus* Act, which, at this moment secures the liberty of every man who hears me. Many can remember the Trial by Jury—that institution, long envied and at last emulated by other countries—superseded in Ireland by the summary Insurrection Act, and the more summary Court Martial.’ The Chief Justice then gave a description of that tribunal, not from imagination, but from memory; and he entreated those who were inclined to be, perhaps, too rapid in passing a measure that was to remain a yoke of despotism until the 1st of August, 1834—he implored those who were disposed not to give a respite of even one short week, to listen to the words of one who shrunk with horror from the recollection of a measure similar to that which it was now proposed to inflict on his unfortunate country. ‘Every man, (said the Chief Justice) who recollects those days wishes that they never may return; but younger men of all classes know them only by description; and let them be assured that no description can convey an adequate notion of the horrors belonging to such a state of things.’ It was against the return of such horrors that he, and those with whom he acted, were contending. It was true that there was a clause against torture in the Bill; there was to be no whipping, but it was not to be found in it when it was first introduced. It was not inserted until attention was directed by him to the point. What he said was either true, or it was not. He asserted, that the clause was not in the Bill when at first introduced. It was there now, and he was grateful for it. He had no doubt that this clause, and this only, would save the back of many an unfortunate peasant from being lacerated. [Some tokens of dissent were here given by the Members on the Treasury Bench.] The mere pantomime of objecting to what he asserted, was no answer. Let them contradict him if they could. Wherefore should he be dismayed? He might say, ‘There is no terror in thine eye, Cassius.’ He would go on with the address of the Chief Justice. The extracts he had read

were not so interesting, perhaps, as the literary puddle, the wretched mire, which the right hon. Secretary (Mr. Stanley) had picked up from the highway to Parnassus, in the town of Clonmel. The Chief Justice bade both classes beware how they brought about such a state of things as might make it necessary to substitute the terrible tribunal of Martial Law for trial by Jury. But there was enough of quotation. He would go from authority to facts. The Chancellor of the Exchequer, in his statement last night, had brought forward eleven specific cases of murder. Out of the mass of atrocities of that most aggravated character, it seemed extraordinary to him that the noble Lord should have selected only eleven cases. Why select those cases if there were others? What was peculiar or distinctive about them? No matter; there were eleven cases. Of those, however, it should be borne in mind that a great number of them occurred before any Special Commissions were ordered; and, what was more, before the report of the Select Committee, to which such frequent reference had been made. Two statements had been put forth, upon which his Majesty’s Ministers grounded the necessity for an alteration in the law of the land. The first statement was, that Juries could not be got to attend; and the second was, that witnesses could not be got to attend. He believed he stated the proposition of the noble Lord fairly? Now, if it was true that Jurors could not be got to attend, and that the administration of justice was impeded in that way, why were not his Majesty’s Government satisfied with the Bill for changing the venue? That Bill enabled them, if they could not get a Jury which pleased them in the county Kilkenny, to take the prisoners and have them tried by a Corporation Jury in the city of Dublin. But the Government were not satisfied with the Bill for changing the venue; they were not satisfied with Martial-Law; they would have both. Some offenders were to be tried by soldiers in the counties where they were charged with the commission of crime, whilst others were to be tried in the city of Dublin. He would say to the Government: “In God’s name choose one or the other; is it fair that you should take both?” The Chancellor of the Exchequer said, that the measure was only to be justified by a case of actual necessity. Well then the onus

of proof was on the Government. It was like one of the clauses of the Bill—that relating to signals—in which the onus of proof was thrown on the peasant. The peasant was bound to prove that smoke was not a signal. What he said could only be doubted by those who had not read the Bill. He declared, in sober sadness, that under a clause in the Bill a man might be tried by a Court-Martial for making a smoke, and it would be for three officers to decide whether the smoke was caused by boiling a pot, or was for the purpose of a signal. This clause, he understood, was introduced into the Bill upon the suggestion of a friend of Ministers in another place; one of those amiable allies who embraced until they hugged to death. He recommended a clause making the peasant prove, that the smoke of his cabin was not a telegraph of insurrection. The proof of that negative was thrown on the Irish peasant, and this was the result of the combined legislative wisdom and justice of Whigs and Tories—a happy illustration of the genius of the one, and the integrity of the other. But the onus of proving the necessity of the present measure lay on the Chancellor of the Exchequer; and how had he proved it? With the permission of the House, he would examine a little into the proof. They must go on gradually; they must not take the whole case *en masse*; they must go into the facts of the case. He would first take the modest assertion with which the Chancellor of the Exchequer commenced—"That justice could not be administered in Ireland because Juries could not be got." Following that assertion was the noble Lord's own admission that no violence had been committed upon any Jury or upon any Juror. There was not a single outrage stated to have been committed upon any Juror. The noble Lord said there was only one Jury which had been intimidated from doing its duty. He understood, that the Carrickshaugh case was the only one in which a Jury had been intimidated. If there was any other case of intimidation let it be mentioned. He believed there was no case; Mr. Barrington said so. But, according to the noble Lord's own showing, justice had been administered in every case in which a Jury had been empanelled except one. And was it because one Jury, in one peculiar instance, had refused to do justice, or were terrified from doing their duty as Jurors

that Jury-trial should be abolished, and Courts-martial substituted? But he denied altogether that the Jury in the Carrickshaugh case had acted from intimidation. There were two trials at Carrickshaugh—one in the Spring, and the other in the Summer Assizes of last year. The acquittal was at the first of those trials. If that acquittal was produced by intimidation, why did not the Government examine evidence on the subject before the Select Committee? There was no evidence whatever that the Jury had been influenced by intimidation. All the witnesses produced by the Crown were policemen. They were cross-examined by one of the most expert advocates at the Irish bar—the hon. and learned member for Dublin. They did not bear the test of cross-examination—the Jury did not believe them. What right had any man in that House to say that the Juries were not right? If those who were not present had the presumption to form their judgment in contradiction to the judgment of Jurors on their oath, they ought—for they might as well—abolish examination and cross-examination, as well as Trial by Jury. He had some reason to assert, that the verdict of the Jury in the Carrickshaugh case was a proper verdict. [Lord Althorp: That had not been questioned.] Were Irishmen, then, to be made slaves, without any grounds for doing so? It had been asserted that the Jury at Carrickshaugh deviated from the path of duty in consequence of intimidation. The question, then, was, what was their duty? And to that he would address himself. Let the noble Lord show him anything better than mere assertion for stating that the Jury on that trial did not do their duty. He had been assured by an eminent counsel, who attended that trial, that the Jury would have committed a gross violation of their duty if they had not acquitted the prisoners. He was ready to produce Mr. Dixon, the gentleman to whom he alluded, at that Bar, to justify his statement. It was the duty of the Jury to lean to mercy; it was a principle of law that they should do so where life and liberty were at stake. The Carrickshaugh Jury did perform its duty. Who can venture to say it did not, who was not present? Who can judge of a witness without seeing him undergo the scrutiny of cross-examination? A look, a quiver, a faltering of the utterance, may decide a Jury. The glance of an eye may



save a human being. But look to dates. The first Carrickshaugh trial was during the winter of 1832. The Committee on the state of Ireland reported in August. Not one word was said of the unfairness of the Jury. But go to other cases. There were trials for combinations against tithes in Dublin, Clonmel, Kerry, Cork; and in every one case convictions were obtained. Away, then, with the idea that Juries will not attend. Upon trials, then, which touched the interest of Ireland in the tenderest point, the Government had ready and unqualified convictions. The Government, however, had their placards and documents; they had nothing else; they admitted, that no outrage had been committed on any Juror, and that in no instance but one had justice failed to be done where a Jury was impanelled. This, then, was the case of the Government for doing away with Jury trial; and could any unprejudiced man say, that they had made out that portion of their case? But there was one other objection. It was said, that in Clonmel the Jurors did not attend; only 76 attended out of 250 Jurors. But what fines were those absent Jurors called upon? Fines of 20*l*. When English gentlemen felt their country was in peril, as in the recent case of the burnings in Kent and the southern counties, they came forward at every risk and inconvenience to put down turbulence and disturbance, and assisted in carrying the laws into execution. If the gentry of Ireland were unwilling to act thus, under similar circumstances, why should they not be compelled? Why not put the aristocracy of Ireland on the panel instead of the middle classes? But he believed that if they were summoned, they would attend; and if they should be unwilling to attend, let them be called on fines of 500*l*. Was it a time for them to shrink from their duty when it was stated that murder was the occupation of the day, and burglary the pastime of the night. If the gentry of Ireland refused to attend on such an occasion, might not the Government properly say to them: "Have you a pretence for asking assistance from us, when you yourselves have fled from the field of battle?" Let the Jurors be selected from another class, and not from the middle orders; let men be selected as Jurors who might be mulcted with heavy fines if they thought fit to absent themselves, and he had no doubt that justice would be fairly,

purely, and intrepidly, administered in Ireland. They might have Courts-martial—but the evidence! Would the Courts-martial get the evidence? That was quite unnecessary. They were to proceed summarily—so said the Act—and sentence on the view. Provide your witnesses with due protection; let them emigrate, if needful, and you will have nothing to dread. This will cost money. Yes, but retain liberty at any price. But come to the Statute. What powers did it give, and to what tribunal? It compressed the Whiteboy Acts, and the 1st and 2nd of William 4th, and the 50th of George 3rd, and the 27th of George 3rd, together; in one word, it transferred almost the entire criminal code from a Jury—to whom? To a Judge? No; the ermine might be spotted, scarlet cannot. To barristers? No; their eyes were fixed on a golden perspective, and the Castle was at the end of every vista. No; but to a set of men who were above all influence; to whom the word "promotion" was unintelligible; enlightened, impartial, calm in decision, cautious in inquiry; who had contracted, of course, no habits of rigour from the guard-house, and by whom justice and mercy would be fortunately tempered. There were to be no Magistrates, no Jurors, no Judges, no Barristers. We should have—what? Captains, forsooth! The wig, the gown, the band, must give way to the sash, the sword, the epaulet; and then all the evils of the administration of Irish justice would be at an end for ever. There never was any thing like this. Such a tribunal impartial! An English officer went to Ireland—was visited by the gentlemen in his neighbourhood—shared in their joyous hospitality, as the glass went round—imbibed opinions with his claret, and proceeded next morning to the administration of impartial justice on the Court-martial Bench. And under what circumstances? See, think of what you are about to do. You employ the army to-day to raise tithes, and tomorrow to adjudicate upon resistance to the payment. The Chancellor of the Exchequer declared that he did not mean to apply the Act to the tithes. He did not mean it! Look at the Act. The Irish Secretary contradicted the Chancellor of the Exchequer, and said, that offences connected with tithes should be punished by the Courts-martial. Now, look to the Act of George 3rd, c. 57; combination against tithes, or obstructing a clergyman

in their collection, by any unlawful means, was made a crime, and this Statute gave the Court-martial cognizance of the offence, because it embodied the clause of 57 George 3rd in its enactments. It was, then, clear, beyond dispute, that this Act was to have the effect of extorting an abominable impost by means of Martial Law, and the officer of the army, who had been impeded on one day in levying tithes, was to try the wretched peasantry who impeded or resisted him the next, for an offence in which his own feelings were deeply engaged. Admirable legislation! The Judge was not only to be a soldier, but he was to be a party in his own cause. Well, indeed, did this Statute deserve the encomiums which were founded on its unexampled and inimitable characteristics. One word more, and he should have done. The Irish Secretary appealed to the House for confidence founded on the past lives of the Ministry. His political life had been brief. He started the champion of the Church, and was still its advocate; took office under Mr. Canning, and accomplished great things in carrying Reform. There were others whose past lives did indeed stand in a melancholy contrast with their present opinions. "Alas, Sir," continued the hon. and learned Member, "they think that they are only depriving us of liberty, when they are depriving themselves of the opportunity of ever being again its advocates. They are deserting the lofty principles, the ramparts of the Constitution, on which they kept their sleepless watch. How will they ever be able again to raise their voices against coercion and despotism in their own country? When the wheel of official fortune, which is subject to such rotations, shall have gone round, and those who are now on its giddy top shall occupy a different position—when those who now sit on the Treasury Bench with so much dignity, shall return to the Bench, which they once filled with so much honour, if it shall be deemed necessary in the midst of any disturbances, which may arise even in this prosperous island, to have recourse to measures in abridgment of genuine freedom, what can they say? Should they venture to expostulate, may not the new Minister, with that sarcastic gentleness, in which he is so accomplished an adept, open this Statute, and with an impressive gravity read the Court-martial clause. And may not others with less effect, but

greater vehemence, exclaim—'How can you presume to stand up as the advocate of the people here? Did you not abandon all your former opinions? Did you not fling your recorded protests to the winds? Did you not abandon the principles on which your entire political conduct was so long founded? Did you not suppress discussion, beat liberty to the earth, suspend the *Habeas Corpus* Act, destroy the freedom of the Press in Ireland, overthrow all justice, hurl down the ordinary tribunals, and raise on their ruins the legislation of the Horse-guards, and the judicature of the camp? Forbear! while there is time, forbear! With the same stab with which you strike our liberties to the core, you will commit suicide upon your own.'

Mr. Macaulay confessed, that the apprehensions entertained by the hon. and learned Gentleman who had just sat down did not appear to him to be in any degree well-grounded, nor did he think that the speech of that hon. and learned Gentleman, however much it had been cheered at that side of the House, would at all weaken the lasting impression made by the admirable address delivered by his right hon. friend (Mr. Stanley) yesterday evening. That speech had produced an impression which he was convinced would not easily be removed from the minds of those who heard it. The hon. and learned Gentleman had told them, that that speech, great as he admitted it to be, owed much of its force to the prepossessions of the majority in that House. According to the hon. and learned Gentleman, it would appear that English Members were eager to find an excuse for exposing Ireland to the operation of this measure. For himself and for those who concurred with him in opinion as to the necessity of the measure, he begged most distinctly and positively to repudiate the charge. That Englishmen were anxious for some excuse to put their fellow-subjects of Ireland out of the pale of the Constitution was, he must, in justice to himself and other English Members, say, altogether unfounded. For his own part, he had never risen in that House under more painful feelings than those which now oppressed him. He had never thought, that it would have become necessary for him to stand up and defend the suspension of the *Habeas Corpus* Act, and the suspension of the trial by jury. But on what grounds did he defend that



course? Before he went to those grounds, he would begin by saying, that he entertained no feelings with respect to the rights and liberties, and prosperity of England, which he did not hold as fully and as strongly in regard to those of Ireland. He thought there was no situation in the life of a public man more painful than that in which he found himself, under the necessity of supporting the suspension of the *Habeas Corpus* Act, and the even temporary abolition of the trial by jury. These were sacred portions of our Constitution, older than Parliament itself—their origin was lost in the darkness of ancient times, they were beyond the Heptarchy; they formed parts of the great charter of British liberties; they were those great bulwarks of freedom for which our ancestors had bravely and successfully struggled—to preserve which kings had been deposed, dynasties had been changed—for which a noble army of martyrs had bled. He touched those sacred bulwarks with trembling and awe. Never ought they to be touched or disturbed but in case of the greatest necessity; but that necessity once made out, he would not stop to inquire, how far or how short he was to go beyond them. He would not—having once admitted the principle—enter into the details, for they must be granted, in order that the application of the principle might not be in vain. He could imagine nothing worse than the enactment of a measure which, being unconstitutional, should, at the same time, be ineffectual, which, while it went beyond the law, did not afford any security for the briefness of its own duration. In departing from the law, he would rather err on the side of vigour than of lenity. He would therefore adopt a strong measure, that its duration might be short, and that it might be less liable to be drawn into a precedent. When once, therefore, he had made up his mind that a suspension of the *habeas corpus* and of the trial by jury had become necessary, it was to him of little importance to go into discussion as to details, and in that feeling he would not inquire which would be the best substitute for the trial by jury—the trial by one judge, or by three barristers, or by courts-martial—for though he was not without an opinion as to which was the best, he would not stop to choose between them, but, as he had mentioned them, he must say that, in his opinion, any of them would be preferable to that

substitute suggested by the hon. and learned Gentleman who had just addressed the House. That hon. and learned Gentleman seemed to think, that the trials under the Bill before them ought to be by a jury, but a jury chosen from the aristocracy. Now, it seemed to be generally admitted, at least he had not yet heard any hon. Member who controverted the opinion, that the very worst hands to which the administration of strong measures like the present could be confided, were the local gentry or magistracy. Yet, to something like this, to a sort of special jury of the aristocracy, would the hon. and learned Member confide the administration of these strong measures. He would have a jury of the Protestant gentry to try the Catholic peasantry. Could anything be more likely to create irritation, when the passions and prejudices and superstitions of the great mass of the people would be opposed to it. Was that the course which the hon. and learned Member would adopt? But how, then, could a jury of the aristocracy be formed, without incurring the objection that seemed so generally to prevail as to the unfitness of the local gentry to administer strong measures? Let him, without going further into details, which, he repeated, he looked upon as of minor importance, if the necessity for the principle was made out—let him ask, was that necessity proved to exist? He thought it was. The question of that necessity was divided into two great parts. There was predial agitation and political agitation. Was any doubt entertained of the existence of the former? Could anything be more appalling than the details which were received, and some of which the House had heard, as to the meetings and outrages of the peasantry? Well, but it was said, “put a stop to that,” and he thought he had heard it said, let it be enacted that any man in the disturbed districts who was found from his home after eight o’clock at night, should be liable to the punishment, not only of a misdemeanor, but of a felony. [“No, no,” from Mr. O’Connell.] If his ears had not deceived him, that was said, and there were many near him who were under the same impression. But, perhaps, there had been some words said very like them in sound though differing in sense, as in another case, which must still be fresh in the recollection of the House. He thought that something of the kind was said at the time

when a threat was intimated of vengeance to be taken for Ireland by the mob of St. Giles's. To him it appeared to be incontrovertibly proved, that predial agitation existed, and it was closely connected with political agitation. He did not rest on the anecdotes which he had heard on the subject, though some of them were of great importance as showing the opinions of the great mass of the people. He did not take this proof from the ballads on which the hon. and learned Gentleman (Mr. Sheil) had commented; yet, from circumstances such as these, trifling as they might at first appear, the signs of the times might often be collected. Such things were, as Lord Bacon said, like straws which, thrown up, showed which way the wind blew. Taking the whole of what he had heard, he could not refuse his belief to the facts, nor could he avoid coming to the conclusion, that there was a close connexion between predial and political agitation. A likeness existed both in feature and in principle, and the principle of each was evidently one and the same—that of preventing peaceable inhabitants from being loyal to their King, and obeying the laws of their country. Both were founded on intimidation. The White feet threatened, and put their own threat into execution; the political agitators also held out their threats, and in doing so usurped a power which no subject had a right to. There was an active and a passive resistance to the law. That the active was unlawful no man would pretend to deny—that the passive resistance—that which directed or recommended men not to deal with other men of certain political opinions—not to buy from or sell to them, was also unlawful; he would assert; and he was satisfied that the hon. and learned member for Dublin would not stake his legal reputation on the assertion that it was otherwise. But there were other modes of intimidation. What were those district courts which were recommended, and to which men were told to refer their differences? What were those but so many sources of intimidation, by which those who should refuse to conform to them were to be held up to public odium? What was that organization of an unarmed body, which might be armed? Were not all these so many means of intimidation? They had heard in that House of declarations against the Whitefeet, of disavowals of their acts; no

doubt, most, if not all, of their acts were such as no man had yet the hardihood to defend. But was there no use in keeping up excitement just below crime, and amongst those who were just above the vilest criminals. Was such agitation not of some benefit to those who made a profit of it, and could they be otherwise than desirous that it should be kept up just below that point where it excited the disgust and the horror of all reasonable men? Some men turned agitation into a lucrative trade, and it was of use to those who could turn it to a profitable account. But why, he would ask, declaim so strongly against the predial agitation by the Whitefeet and others, when they who so declaimed, kept up an agitation, of a different kind as to the means it was true, but much alike in the tendency? Suppose one of those Whitefeet brought before an association of agitators of a different kind, and asked to account for his conduct, what would be his natural answer? "You," he would say, "agitate, so do I; you pursue one course, I another; you intimidate, so do I; but though the execution of my threats is more immediate, it is not more certain than that of yours in the result. You speak of your unarmed volunteers, so have I mine; mostly unarmed, but I have my arms under lock and key, to be delivered for use as occasion may require. I have as much right to act against the law in my way as you have in yours." What was the difference between this active and passive resistance? Why, the active resister of the law was exposed to great personal risk, from which the cunning of the passive resister might screen him. In this respect the difference between them was, he admitted, great, but in a moral point of view, were they not both the same? The active resister might well ask "Who gave you the right to draw the line, and to say where passive resistance should end, and where the active should begin? Who made you Judges over your fellow-countrymen? What right have you to determine on taking up arms, and forming yourselves into what you call a national guard? You say you have grievances to redress. So have we. We have woods to cut down, cultivated grounds to uncultivate, houses and farm-yards to burn down, stewards and landlords to dismiss; and we do this with the same right that you have to take upon you to cure your own wrongs." The Whitefeet might be disavowed by the agi-



tators and pacificators, but that the acts of the one had a connexion with the agitation of the other, he thought no man who paid any attention to what was passing in Ireland could, for a moment, entertain a doubt. But suppose, for a moment, that no such connexion existed, still he would contend, that political agitation was a proper subject for legislative interference. It was, as it had been seen, a usurpation of the power of law, a self-appointed association, sitting to try causes—not merely a civil, but also a criminal tribunal, where men were denounced for holding certain political opinions, and the terror of those denunciations obliged those who gave an honest vote to move about with pistols in their pockets for the protection of their lives. What did such an association want? A story was told of a king of Scotland, who, meeting a border robber, was so struck by the number of his followers and the splendor of their appearance, that he exclaimed, “What wants that knave which becoms a king?” So he said, what wanted the Volunteers? Not power—not terror—they wanted nothing but responsibility to make them a government. He would as soon trust to them, as soon be under their domination, as of those ancient secret societies of Germany, who sent their spies abroad, and despatched their assassins to the right hand and to the left. History scarcely supplied a parallel of a similar association. The present Volunteers compared themselves to the Volunteers of 1782, and to the Unions of England. Nothing could be more grossly incorrect than the comparison—nothing more unlike than the two things. He knew of no body to which they could be compared—at least no existing society. The only one that he could recollect was one which, by its applications, had usurped all the powers of Government, and which, through the medium of its dictators, spread tyranny over the unhappy country in which it existed. He meant, as might be easily seen, the Jacobin Club of the first French Revolution. That club was long under the control of a man who was the idol of the people, but who, after plunging his country into the abyss of ruin, miserably perished. It was to that club, and to that only, that the present political associations in Ireland could be assimilated. In their organization, in their conduct, there was a resemblance between the Jacobin Club and the Irish Volunteers. Let any

body read the debates and speeches of both societies, and the closest application would be found in his comparison. A member of this Irish association declares that he will stand upon a mine, to the train of which the match is about to be applied, if the great leader of that association commands it. So, among the Jacobins, were found those who would drink poison rather than disobey the wishes of their chiefs, or separate themselves from their political fortunes. Since those associations followed the career chalked out to them by the Jacobins—since they imitated them in even minute details—should the present Government imitate that weak administration of France, which shut its eyes upon the designs of those Jacobins—allowed them to wax powerful, and at last to dictate to all without control? He hoped not, and that it would be taught by experience, and destroy the evil in its bud. He would ask a Reformed Parliament, freely chosen by the electors of the greatest nation of the world, whether it was to see such power assumed by any body of men—he would ask them as freemen, whether they could sanction the existence of such associations? In former times there were brave men who had resisted the tyranny of the Stuarts; but when they saw a fresh tyranny springing up, they naturally enough asked; “Have we slain the lion in order to be devoured by the wolf?” So he asked, “Had they beaten down parliamentary corruption, only to make way for the rule of clubs?” He belonged to that party which had carried Reform, in order to avoid revolution. But that party had not fought the battle against the proudest aristocracy in the world, in order that an oligarchy which had since sprung up should rule in its stead, an oligarchy which had no title to power but the lenity of the Government and its own audacity. Were they prepared to surrender Ireland to the domination of such a party? It was said that this measure would destroy liberty in Ireland. Where was that liberty? He remembered in Mr. Matthews’s very amusing description of American peculiarities, the exclamation of the Kentucky man, who cried out “Pretty liberty, when a man cannot wallop his own nigger.” He might say of the sort of liberty enjoyed in Ireland, “Pretty liberty, where a man cannot enjoy or express his own opinion—pretty liberty, where a man is not secure of his property or life—where he is con-

stantly obliged to go about armed, to protect himself from the violence of those who will not allow him to think and judge for himself—where he is called upon to resort to those self-constituted courts of arbitration rather than to the ordinary tribunals of the land—a liberty that prevents buying or selling—a liberty that flourishes in the midst of conspiracies—a liberty whose *insignia* are plunder and assassination.” That was the liberty Ireland was to be bereft of ! Never was that word more profaned—never was that sacred word of liberty more foully abused, than it was at present in Ireland. The history of Europe gave but one example of such profanation of the word liberty—that was, when over the doors of the execrable Jacobin Club were emblazoned the words, “ Liberty or Death.” The Government were defending real liberty, when they asked for those coercive measures so much decried. What were the *Habeas Corpus* and Trial by Jury intended for ? Why, to be the means, not the ends, of protecting life and property ; they were valuable, because they secured life—because they secured property—because they protected order—and they became worthless the instant they afforded protection to villains and depredators. Allusion had been made to former measures of this kind. He would say, that there never was a measure which stood on such grounds as this, and for which such a necessity existed. No Ministry had ever yet applied for such measures who stood upon the same grounds as the present Ministers. The present Ministers had the confidence of the nation, and would not abuse it. They asked for great powers to be granted them ; but, at the same time, they felt that they were responsible to a Reformed Parliament for the use they made of those powers. Besides, they asked for those powers, in order to be able to apply to Ireland those measures of redress which they knew she was entitled to. It had been argued, last night, by the hon. member for Lincoln (Mr. E. L. Bulwer) that, with them, it was “ to-day, concession—to-morrow, coercion. A quick alternation of kicks and kindness—coaxing with the hand, and spurring with the heel.” Such an accusation did not come well and consistently from that hon. Member, as he would confess, if he recollected his words on the Address to the Throne, he said then, “ If you ask for coercive powers,

why do you not, at the same time, hold out measures of redress ? ”—That was the very thing Government did ; it agreed with the hon. Member’s first thoughts, which, in his humble opinion, were better than his second thoughts. The Government, in asking for those measures, gave a strong proof of consistency—a strong proof that it acted upon the principles of Reform. It was a proof that it still advocated the same principles as when it recommended Reform. It was determined to provide a remedy in time, so that it might not be compelled to legislate in the midst of such scenes as were acted at Nottingham and Bristol. They had recommended Reform as a remedy, and they were determined it should not be abused. Two different diseases existed in Ireland, and they had different remedies for the grievances complained of, and for the system of outrage. To the latter, which was a temporary paroxysm, would be applied temporary remedies—to the former, which were founded upon deeply-rooted discontent, would be applied an efficacious, speedy, and yet permanent cure. At all events, the present Government, in asking for coercive powers, were only following the example of the Administrations that went before them. He considered, that the present state of Ireland might be aptly compared to the state of the Highlands of Scotland eighty years ago. At that period there existed in the Highlands two species of agitation—predial and political agitation. The one carried on under the influence of Lord Lovat, resembled the political associations of Ireland at the present day. The other, the principle of which was burnings, robbery, and murder, was conducted by the noted Rob Roy. The means of the two were different, yet they were closely connected. The Government of that day broke up the connexion, which was more honest than the present, for that was kept up by family ties, the present by intimidation ; but the Government broke it up by the enactment of salutary laws, and at the same time it improved the condition of the Highlanders by making roads and bridges, and otherwise facilitating intercourse to every part of the country. And what is now the consequence, he would ask, of having then had recourse to means of coercion ? Let the Highlanders be asked : there would not be found one among them who did not bless the severity used towards them



at the period mentioned, and the salutary wisdom that dictated that severity. He had no desire whatsoever to disguise the appalling features of the present measure. Though it were worse, though it were nothing but a mere experiment (if an experiment, it was at least *experimentum in corpore vili*), though its features were still more hideous, yet it was less appalling than the state of things in Ireland. It asked for courts-martial; but could any thing that would result from them, by any possibility, be half so despotic and arbitrary as what might be expected from the New National Guards already organized and prepared to extend their sway? Looking at the courts-martial in their worst light, were they so bad as the courts which were now opened to try men for their political opinions; and having passed sentence of denunciation against them, to hand them over to the peasantry, with the request that they might be dealt with as leniently as possible? See how the two systems would operate—that of the proposed measure, and the one which at present prevailed. This would tend to prevent illegal assemblages at night; that which now prevailed tended only to encourage the midnight assassin. This would authorize domiciliary visits, in order to find out who were engaged in these outrages; the other made those visits only to punish the innocent. He knew which species of visit he should prefer; and he emphatically declared, that let the measure be stigmatised as it might; let it be branded as an Algerine Act, he preferred it to a Kilkenny Act. He would far rather live in Algiers, in its most despotic day, than he would live in the county of Kilkenny at the present time. There was last year as ample a suspension of the laws in some parts of Ireland as was now demanded; and yet the powers it gave were not abused. The cause of that suspension was, to prevent an evil at which even agitation trembled—the further propagation of cholera. Now, if it were given him to choose, and to say which he should prefer—that dreadful pestilence, such as it prevailed in Russia or India, or this moral pestilence, under which there was no security for property or life, under which men were exposed to the visits of the midnight assassin, and to the noon-day murderer, to having their houses burned by night, and to be shot as they fled from the fearful conflagration—if, he

repeated, it were given to him to make a choice between those two evils, he would choose the former; for he would say with the Hebrew king, "Let me fall into the hands of God, and not into those of men." He had thus stated his opinion freely and candidly of this measure; but he could assure the House that, in what he said, he was in no degree influenced by his official connexion with the Government. He did not expect any credit on this score from the hon. and learned Gentleman opposite. He would admit, that there were many cases in which a man might give up his own opinion out of respect or attachment to political friends, or from connexions with Government; but the suspension of the *Habeas Corpus* Act was not one of those cases in which such a sacrifice of opinion could be honestly made. He could appeal to many of his hon. friends near him, who would bear testimony to the fact that he had come down on an early night of the Session, when the measure of Church Reform was to be introduced, prepared, in spite of his attachment to those who formed the Administration, and in spite of his own connexion with Government, to separate himself from that Government, if he should not find that the measure to be proposed was of a nature which the country had a right to expect. But as he was then ready to part from Ministers if he could not concur with them, so now he was ready to lend them all the feeble aid in his power, being firmly convinced that the course which they proposed was the right one. He should have no fear of meeting his constituents in consequence of his vote on this occasion. He knew their zeal for liberty; but he also knew that it was zeal with knowledge. While they would oppose any unnecessary inroad on the rights of any portion of their fellow-subjects, they would, though they regretted its necessity, not object to a measure which, while it temporarily suspended the Constitution, did so only that it might not be wholly endangered by anarchy. He would willingly render them an account of his conduct, satisfied that they were too sincerely attached to true liberty, and too enlightened, not to distinguish between it and that unbridled licence which could end only in the worst of slavery. Whatever might be the result of the opinions he had expressed, he would abide by them. He had made up his mind on the subject. He might become

the victim of popular injustice, but he would never condescend to be its flatterer.

Mr. *John Romilly*, in rising, said that, as a young Member of the House, and when so many were desirous to state their opinions of the great question before them, he felt that he was not entitled to take up much of the time of the House. In viewing this question, it was necessary to look not only to the evils pointed out by his Majesty's Ministers, and the evils mentioned in the Report of last Session, which he admitted had strong claims on the serious attention of the House—but they had also to consider whether the measures now proposed by his Majesty's Ministers would have the effect of removing those evils. No one was more ready than he was to give credit to his Majesty's Ministers for the several measures which they had proposed and carried through Parliament, for the good of the country; but with all his favourable disposition towards them, he could not but hesitate when such a measure as this was proposed—he could not but ask whether there were no other way to improve the state of Ireland? When he saw the people of that great country so determinedly opposed to the law, he could not but inquire whether the law itself had not something wrong in it, and whether it deserved to be retained. Before enforcing obedience, it should be ascertained whether the law was worthy to be obeyed? He admitted, as was stated by the hon. Member opposite, that the laws ought to be enforced, and that the Government should have the power of enforcing them in the most complete manner against such heinous crimes as murder and robbery. And if the provisions of this Bill were confined to persons guilty of crimes of that description, it would meet with no opposition from him; but he objected to it most strongly, in so far as it involved all classes of his Majesty's Irish subjects, and in so far as it proscribed the innocent as well as the guilty. With regard to domiciliary visits, he would willingly go so far as to allow that those who were out beyond a certain hour at night, and were found out, should be considered as guilty of a misdemeanor; but he thought, that clause should be confined to those who were found out, and that the houses of the people should not be liable to be searched to see whether or not they were

at home. He considered those domiciliary visits as tyrannical and oppressive, and he had no doubt that, in practice, they would be found more harassing to the orderly than to the disorderly. It was intended by this clause of the Bill, as the inmates of a House would generally be known to the police, that the police should be enabled to ascertain if any one of them was absent. But would they, by visiting the home of the absentees, find out the places of their resort. Did it not appear on the showing of the right hon. Member opposite, that the persons who created the disturbances were migratory, and that these places of meeting were changed continually? How, then, should these domiciliary visits have the effect of discovering these places of resort, if they went to all the districts of the country, spreading alarm and disorder? He therefore thought he was right in saying, that this clause would be more harassing to the orderly than to the disorderly. But when the persons to be protected were to pay so great a price for the protection, would it not be well to inquire of those for whose protection the measure was intended, what their opinion of it was. This Bill was for the protection of the people of Ireland. Would it not be right and proper, then, that they should be consulted? Might they not consider the remedy worse than the disease? When they were called on to pay such a price for their protection, was it not fair to inquire if they thought the price too high? Was it not clear, that the authorized breaking open of houses, was nearly as great a breach of order as unauthorized murder. And since they were called on to pay that price for their protection, why not ask, in the first place, whether or not they were willing to do so? He would then beg to ask, if the Ministers had made out a case which entitled them to ask that House to pass this Bill? Had the House been put in possession of information which would justify it in passing it? There was a Report of the Committee appointed to examine into the state of Ireland before them, and there was a great mass of evidence attached to that Report, but did that evidence appear to bear out Ministers in their proposition? So far was that from being the case, as it appeared to him, that the whole tenor of the evidence seemed rather to be in favour of pursuing the ordinary course of the law. He thought, that the Report went further



in its recommendation of strong measures than the evidence warranted, and the present measures further than the Report. There was one branch of this Bill of a most dangerous character, he meant the Courts-martial, which, from their peculiar construction, were most obnoxious. The suspension of the *Habeas Corpus* Act was of itself a sufficiently striking measure, but it was more particularly so when it was seen what immense power was deputed to Courts-martial by the suspension of that Act. The power was not deputed to persons practised in the law, or who were in the habit of judging of causes, or of understanding evidence. Even to such men he would have some hesitation in deputing such a power, but least of all would he give it to a class of men, the very principle of whose profession was, unreflecting and implicit obedience. He was astonished to hear the hon. member for Leeds say, "if you at all go out of the bounds of the Constitution, it is essential that you should go far, lest your views should be mistaken, and your object frustrated." He (Mr. Romilly) really did believe, that a more dangerous doctrine never was promulgated, and he should not be doing what he conceived to be his duty in that House if he did not express his absolute abhorrence of such a doctrine—a doctrine founded on an evident misconception of what was, and what ought, to be done. The duty of Government was clearly and openly to state, that they felt it necessary to depart from the Constitution, but that that departure should be as slight and as trivial as possible. They ought to declare plainly the extent to which they were compelled to trench on the Constitution. They ought to say, "We have confined the infraction as much as we could—we will do as little mischief as we possibly can." But it was a new doctrine to violate the Constitution greatly in order to preserve it. To pursue such a principle would be to bring forward one bad precedent after another in mischievous and continuous succession. He believed, that this measure would not now be introduced, but for a similar measure which was brought forward in 1807. In his opinion, Ministers had often thought of that measure, and had canvassed it much. At the time when the measure of 1807 was agreed to, this country was at war with the greatest part of the continent, and Mr. Grattan stated, that there was a strong French

party in Ireland. Yet even under these circumstances, the measure to which he alluded was not so strong as that which was now introduced at a time of profound peace. This was a point to which he was peculiarly anxious to call the attention of the House, because it was, in a great degree, explanatory of the vote he meant to give. He should read to them an extract from the personal journal of an individual who was connected with the Government of that time, of whom he should only say, that he was bound to him by the nearest and dearest ties. He was the last man in that House to offer an opinion on his virtues or his merits, he believed, that the public fully appreciated both. The individual (Sir Samuel Romilly) to whom he alluded filled, under the short Administration of 1806, and 1807, the office of Solicitor General, and in his papers, speaking of the passing of the Insurrection Act at that period, he thus expressed himself—"For myself, the measure appeared to me to be so impolitic, so unjust, and likely to produce so much mischief, that I determined, if any person divided the House, to vote against it. Sheridan did divide it on the question, that the bill do pass, and I found myself in a minority of 10, including the tellers, against 108. There were"—[Then followed the names of the minority, including that of Sir Arthur Pigott.] "I did not speak upon the Bill. That it would pass, whatever might be said against it, I could not doubt; I therefore thought, that to state my objections to it could have no other effect than to increase the mischief which I wished to prevent. What triumphant arguments will not this Bill, and that which is depending in the House "for preventing the people having arms," furnish the disaffected with in Ireland! What laws more tyrannical could they have to dread if the French yoke were imposed on them? What worse could they endure, than to be exposed to domiciliary visits, to have their houses broken open in the dead of night, and to find insolent superintendents forcing their way into every bed-chamber, to see that none of the family were from home, and to have those who at such season shall be absent, without being able to produce witnesses to prove that it was upon some lawful occasion, subjected to transportation as felons to New South Wales! Can it be expected

'that men will be so blindly attached to bondage thus cruel and degrading as unwillingly to shed their blood in the defence of it? To adopt such a measure, at a moment like the present, appears to me to be little short of madness. Unfortunately, the measure had been in the contemplation of the late Ministry. They had left a draught of the Bill in the Secretary of State's Office, and they were now ashamed to oppose what some of themselves had thought of proposing. The Attorney and Solicitor General of Ireland had approved the Bill; but Pigot and myself had never heard, that such a matter was in agitation till it was brought into the House by the present Ministers.' He believed, that some attention was due to the authority which he had quoted. He did not think, that those sentiments were dictated by feelings of hostility, because those who knew the writer of them knew also that he was incapable of harbouring such feelings; and even those who did not know him gave him credit for the kindness and urbanity of his nature. To return to the subject immediately before them, he owed to his Majesty's Ministers the greatest gratitude for certain measures which they had passed, and which enabled him to address the House on this occasion. To the noble Lord opposite, though he was scarcely acquainted with him, he tendered his sincere thanks for the straightforward manner in which he had supported the rights of the people, and for the anxiety which he showed for the just administration of the law amongst all parties in this country—a feeling, he was sure, not confined to himself, but warmly participated in by a large and numerous class of the community. But when he said this, he could not avoid observing, that some of those individuals were now in power, who were also Ministers in 1807, and who were at that time ready to bring forward a measure similar to the present, without having ventured to communicate the fact to their own Attorney and Solicitor General. They ought to pause and think seriously before they attempted to carry a measure of such vital importance. They ought not to proceed without some further, some extended inquiry. With respect to the proposition of the right hon. member for Lambeth, he was not at all inclined to support it. He saw no benefit that could be derived from postponing the Bill for a

fortnight. If it were really called for, let evidence be adduced to prove that it was, and then let it be passed at once; but until ample evidence were adduced, he never could agree to it. If the object of the right hon. Member were to defeat the Bill altogether, then the best way to meet that object would be, to move that the second reading be postponed to this day six months. That would be a much better and plainer mode of proceeding than calling for the delay of a fortnight. He meant to make no observations on the distinctions which had been drawn between predial and political disturbances; he would not enter into a discussion with reference to their connexion; but he might be allowed to offer a passing observation on the attacks which had been made on the hon. and learned member for Dublin, to whom, until within the last half-hour, he had been utterly unknown—even, he believed, by sight. Whatever the conduct of that hon. and learned Gentleman might be, it ought not to influence the tone of this discussion. This great question ought not to be discussed on a party or private feeling. No; it should be discussed as a measure affecting the lives and liberties of one-third of the whole community. Such a question should be approached without passion; it should be viewed calmly and considerately. They ought to reflect upon many points—whether, for instance, a less extensive measure might not do—whether they were justified in carrying the whole of these coercive provisions at once? The real object, and the end and aim of all their consultations on this subject, ought to be, not to enforce the law by measures of harshness and severity, by the introduction of Courts-martial, or by other arbitrary proceedings, but to induce the people to love the Legislature and the Government, to enthrone both in the hearts of the community by acts of kindness and beneficence.

Lord Mahon said, that, however much he might differ from the application of the extract just quoted by the hon. and learned Member, he should always listen with respect to the words of Sir Samuel Romilly; and he trusted that no difference in politics would ever prevent him from hailing, with pleasure, the appearance in that House of any relatives of so upright and distinguished a man. He would willingly have given a silent vote upon this occasion; but, connected as he was with Ireland by the ties of property, he



trusted the House would indulge him whilst he made a very few observations. Never since he had had the honour of a seat in that House had he risen to give a vote under feelings so painful and perplexing as the present. Whether, on the one hand, he should consent to abridge or suspend the liberties of 8,000,000 of his fellow-subjects, impose upon them all the rigours of Martial Law, and place these extraordinary powers in the hands of a Viceroy, in whose character, he confessed, he could place no confidence; or whether, on the other hand, he was to refuse to the Government the extraordinary powers which they declared to be absolutely necessary, for the security of life and property, and thus suffer the system of insurrection and outrage, now rife in Ireland, to continue, without even an attempt to check it. Such was the grievous alternative which now lay before them. He must declare, that, in his conscience, he did not believe it was necessary to bring the country to this alternative. He could but think, that this measure of coercion only required the extraordinary rigour which was at present demanded in consequence of the delay and procrastination which had attended its introduction. One-tenth part of this rigour, exercised two years ago, would have saved the House from the painful necessity of being called upon, either violently to break through the Constitution, or quietly to bear with insurrection. It was because Ministers had allowed the rill to widen to a river—the snowball to grow to an avalanche—that they had now found it necessary to tear down the Constitution, to raise a sufficient bulwark against it. He (Lord Mahon) had listened with great attention to the speech of his hon. and learned friend, the member for Leeds (Mr. Macaulay); but, though he expressed himself with his usual felicity of diction, he must say, he thought his speech was not marked by his usual closeness of reasoning or aptness of illustration. There was one observation, however, most truly felt, and most forcibly expressed. He said, that this measure was not, in fact, an infringement upon Irish liberty—because liberty, properly understood, did not exist in Ireland at this moment. He said, with some exaggeration, that if this Bill be an Algerine Bill, the reason is, that even Algiers is in a better condition than Kilkenny. Now, without going that length,

he (Lord Mahon) certainly thought, that the very speeches intended to produce the opposite impression on the House, and more especially the speech of the hon. and learned member for Tipperary, were all marked with this peculiar fallacy—of declaiming against taking away liberty from a place where, in fact, liberty had ceased to exist [*Cries of “no, no”*]. No! Why, could hon. Gentlemen actually pretend that liberty existed in Ireland at this moment? or what did they call liberty? Was it danger to life? Was it insecurity to property? Would any Irish Gentleman undertake to say, that his country was in that state of liberty in which he would wish to see it? Did they remember the remarkable definition of liberty given by Charles 1st on the scaffold, at a time when his great abilities had been matured by experience, and when sorrow and suffering had shown him the former errors of his ways? In his speech on the scaffold he defined liberty to be “that state in which the lives and goods of subjects may be most their own.” Was this the case in Ireland? Were the lives of the Protestants safe from murderers, or their property from incendiaries? or could it be said, for a moment, that they enjoyed anything like the blessings of liberty and the British Constitution? When, therefore, he was told, that this Bill was tyrannical, he admitted it; but he said, that it removed a greater tyranny than it imposed. He admitted, that military law was bad; but he said, that mob-law was worse. And he maintained, that it was the natural and necessary result of such outrages as had lately taken place in Ireland, to render necessary a course into the opposite extreme. When men assumed the license of rebels, the Government could not leave them even the liberty of subjects. It then became necessary to control and circumscribe that liberty which they did not know how to value or to use. Under these circumstances, he could not but think, that the grounds so eloquently and forcibly stated last night by the right hon. Secretary for Ireland were sufficient to justify the House in giving a reluctant consent to the introduction of this Bill. He was told, on the other hand, that the crimes and outrages of Ireland arose from prædial agitation, and not political; and that these two were wholly unconnected. This was the favourite argument of the hon. and learned member for Dublin. Now, if

these two descriptions of agitation were not connected together, all he could say was, that it was the first time since the world began, that such a distinction had been successfully made. Where shall we find an instance of systematic outrages without political agitators, or of political agitators without systematic outrages? But the intimate connexion between the two was fully proved, if any proof were necessary, by the words of the hon. and learned Gentleman, the member for Dublin. Out of his own mouth they might convict him. For, in all his letters to the Volunteers of Dublin, he says, "Put down predial agitation—stop these outrages—allow no burnings, no murders, to take place." If that advice, so specious in appearance, meant anything, it meant, that these Volunteers—these political agitators—had the power of putting down predial agitation if they pleased. Well, then, if they had the power of putting it down, did it not follow, that they had also the power, should they think proper, of exciting and fomenting it? On these grounds, he certainly must deny, that any just distinction had been made between the two. This state of things in Ireland had been unfairly said to have been solely produced by the grievances of that country. On this subject, he thought, we had great reason to complain of considerable misapprehension. Thus, for instance, he had seen a statement in a speech attributed to the hon. and learned member for Dublin, to the effect that Ireland bore an unfair proportion of taxation. His words were, that, "in consequence of the Union, Ireland is unjustly ground down with taxation." Now, he would just remind the House that, on a comparison of the means of Ireland with her taxation, it would appear that she was very lightly taxed indeed, in comparison with this country. Her population was about 8,000,000, one-third of that of the whole empire. Did Ireland pay one-third of the income of the whole empire? Did it pay fifteen millions out of our forty-five millions? Did it pay ten? Did it pay even five? Then, what gross, what utter misrepresentation was this. Under all the circumstances of this case he felt bound to give his reluctant consent to the measure introduced by his Majesty's Government. To that Government he had been systematically and steadily opposed. That opposition continued un-

changed. But, on an occasion like the present, he felt, that he was bound to stand by them in the difficult task of stemming the headlong career of revolutionary violence in Ireland. He felt, that the duty which he owed to the security of his fellow-subjects was even greater than that which he owed to the maintenance of constitutional privileges; and, therefore, with much sacrifice of private feeling, and with the most sincere pain, but under a full conviction of the justice of the course he was pursuing, he should vote for the measure.

Mr. *Fergus O'Connor* trusted, that the House would indulge him for a few minutes while he gave his opinion on this harsh and unconstitutional measure. His indignation was not directed against those Members who did what they considered as merely their duty in voting for the present measure; and he would beg to ask them if there was one particle of evidence before the House to show that Ireland was in a state to warrant such a measure; but his indignation was roused against his Majesty's Ministers, who roused the bad feelings of Ireland towards England to the highest pitch, by bringing in a Bill which buried the constitution of Ireland in a grave from which it would never rise. It had been said, that the agitators were the cause of the disturbances, and of the unpopularity of his Majesty's Government. He (Mr. O'Connor) had been a great agitator; and he would say, that he had never mentioned the names of any of the members of his Majesty's Government on such occasions but once, and then it was to propose a vote of thanks to them. He never spoke harshly; and when he could say no good he said no evil of them, for he was silent. They were now called on to pass a great, and a harsh measure; and if, on examination, it was found that there was no case of necessity made out for its adoption, he conceived that the House would not be justified in adopting it. A noble Earl had stated in another place, that disturbances existed in the counties of Kilkenny, Cork, and Tipperary. He denied that there were any disturbances in the county of Cork; and he had no doubt but the hon. member for Kilkenny could give him a similar testimony as to the state of that county. He would not attempt to follow the hon. member for Leeds in his hop, step, and jump from England to Ireland, thence to Scotland, and from Scotland to Egypt—he would



permit that hon. Member to pass the time with these amusements; but confining himself to the Bill he would deny at least one of the arguments on which its necessity was founded—namely, that juries could not be found who would convict. The case of Sir George Bingham, which was alluded to by the hon. Secretary for Ireland was not at all in point. He had many other objections to the Bill. It was most tyrannical, arbitrary, and sanguinary; yet this was the measure introduced by men who had previously so distinguished themselves as Reformers, and the enemies of oppression and tyranny. The hon. Member who had introduced the Bill to this House, had given as the argument for its adoption, the great increase of crime in the last four years, from 1829, up to the present time. Why was not a remedy for this state of crime proposed at an earlier period, when, as they themselves confessed, milder measures would have been found efficient for the suppression of the disturbances? Why had not this been done then? The reason was, that during the last two years the English Reform Bill had been pending, and, therefore, while this had been occupying the attention of Ministers, the cry of agitation was ‘music in their ears;’ but now that this all-engrossing object had been accomplished—now that the cry of “agitation in Ireland” was no further wanted by the Ministers, it was no longer music in their ears. As to the cry of intimidation, he believed that attempts at intimidation would principally proceed from those who wished to prevent Juries from serving, in order to give a colour of excuse for the Bill. He would not trouble the House with his own views of these atrocious measures; but he would produce the strongest argument against them in the former opinions expressed by those who now so strongly advocated those measures—he would convict them in their own words. The best argument Irishmen could use was, to quote the former opinions of those persons who were now seeking to strangle liberty in its cradle. He would quote the authority of the hon. and learned Gentleman, the member for the Tower Hamlets (Dr. Lushington), on the subject of the Insurrection Act in 1822. That hon. Gentleman asked: “What had the noble Lord done to induce the House to accede to it?” After making some other observations, in allusion to the Marquess

Wellesley, the hon. and learned Gentleman said: “He never could believe, that either prevention or remedy would be found in an Insurrection Bill, or any bill of a similar tendency.” The hon. and learned Gentleman then said, with reference to military tribunals; “When he heard such a character of Irish Magistrates from Irish Members, how could he consent to intrust the execution of such laws to such instruments. The hon. and learned Member said, with reference to the ordinary form of trial, and that proposed to be substituted: ‘The noble Marquess was ready, with his King’s Serjeant, to stand in his stead for ever and for aye. What an Irish serjeant might be, he knew not, as he had never seen one; but with all due respect to his Majesty’s serjeants-at-law in this country, he would rather trust his life to a jury in England than to any serjeant among them. It was not that they were not honourable and learned men who would be selected, but that they must be influenced in some degree by political bias, which it was not in human nature that they could divest themselves of. It was not presuming too much to think, that if, by their decisions, eight or ten poor Irish peasants were transported improperly, such exercise of their discretion would be overlooked in the character they would acquire for vigour and activity in the voluntary exercise of it.\*’ The hon. and learned Member said, “he agreed with the noble Marquess, that it was not consistent to blend any conciliatory measure with these penal Acts;” and he concluded by recommending a searching investigation into the causes of these desolating ebullitions of popular outrage. The root of all the disturbances and outrages in Ireland might be traced to the speech of the right hon. Secretary for that country, wherein he had promised the extinction of tithes, a promise which he had since failed in fulfilling; and this was the real origin of the increase of crime. The right hon. Secretary yesterday had made out a case against Ireland, partly on the strength of a political ballad; but he (Mr. Fergus O’Connor) called upon the English people to pause before they convicted Ireland by a ballad. Ireland, he would assert, was not in the dreadful state described: in the instance of the county of Cork especially, the Mi-

\* Hansard (new series) vi. p. 175.

nistry had attempted to make out a case, but they found out that their case was untenable, and so no more mention was made of the county of Cork: but he could assure the House, that if these measures were put into operation in any district in Ireland, the whole country would stand in need very shortly of the Proclamation. But he trusted and expected that such measures would be forbidden by the mighty voice of the people. As soon as the agitation of the Reform Bill had passed over, the Ministers had the audacity to come before a Reformed Parliament, and ask them to stifle liberty in its infancy; but they would find their error; they would find what the voice of the people could do. No man knew better what it could do than the noble Lord who was at the head of the Ministry. The voice of the people had driven Caius Marius from Rome [*laughter*]. Since the name of Rome was distasteful to them, he would bring them nearer home: the voice of the people had brought Charles 1st. of England to the block; it was the voice of the people which drove Charles 10th from his throne; and it was the voice of the people which passed the Reform Bill, and the voice of the people would not on this pressing occasion fail to protect the Constitution. He could not conceive how the right hon. Secretary could think of such measures as likely to effect the proposed end in Ireland; he must be little acquainted with the Irish people, or even with the English, and the Ministers would not dare to propose such measures for England. That right hon. Secretary himself was the most unpopular man in Ireland [*a laugh*]. Hon. Members laughed—like the drummer, beat them where he would, he could not please them. However, he would tell them in the House, as he had out of the House, that the Irish people would resist despotism, tyranny, and arbitrary power, foot to foot, and hand to hand. The measures now proposed were another lesson to the Irish people, who last Session had put faith in the assurance that they might trust to the kind feelings and brotherly kindness of Englishmen. After this, it would be impossible to believe in any words, however plausible. How often were the Irish nation to degrade themselves before the English nation—to come cap in hand, like beggars—a posture unworthy such a people? As to the agitation which was laid so much stress on, he could prove, if

required, that it emanated wholly from Government and its servants. He would give them an instance where a Magistrate had stopped a man on the road who owed a trifling arrear of rent: the man tried to make his escape; but the Magistrate, in the struggle, tore off the pocket of the man's frieze coat, in which was the sum of 3*l.* 18*s.* 6*d.*; and yet this pocket, with the money, was sold for 10*d.* tithe money. There was another instance where 40*l.* worth of hay was sold for 5*s.* tithe, and a horse worth 9*l.* sold for 1*l.*, and immediately shot for the hounds [*Laughter*]. It might be sport to hon. Gentlemen, but it was death to the objects of the infictions. This measure was the coping-stone to the proceedings of Ministers, with regard to Ireland; yet, if such measures were permitted, they would hereafter deeply repent when they read the accounts of the blood which would be shed; for every drop of blood would be upon their souls. After all, what was the object of Ministers? Why, to put down 250 unfortunate Volunteers—a point on which the hon. member for Leeds had just before been so eloquent. That hon. Gentleman had also indulged in observations relative to the subscription made for the hon. and learned member for Dublin, taunting him with taxing the people; but he (Mr. F. O'Connor) thought that when a man gave up a profession yielding him a large income, for the sole object of promoting his country's good, such a man was entitled to that country's support. Ministers would find it much more difficult than they seemed to anticipate to put down that individual. It was not possible but that the Representatives of a free people would rather die than be guilty of the enormity of signing the death warrant of their country. The people of England would not suffer it. They would call to mind the fact, that every Insurrection Act, every suspension of the *Habeas Corpus*, ever put into operation in England, had been preceded some two years before by similar measures in Ireland. Let English Members bear in mind that this was not an unimportant matter-of-course ministerial measure, but an unconstitutional, and as Ministers themselves had most properly called it, an arbitrary Act. Let them be assured, that daggers and swords would form but a feeble fence for the Constitution, against the indignation of an insulted people: the best protection was the people's affection.



Mr. *Carew*, under the circumstances of the Bill, and the peculiar manner in which it was calculated to apply to Ireland, would claim the indulgence of the House. It was to him a subject of particular regret to be obliged to come to a decision. Connected with the independent interest, he had always wished to extend the popular principle to the utmost degree that was consistent: with the Constitution and public safety; beyond that limit he never had gone. He would never sacrifice practical security to theoretical advantage. He was bound in conscience to state that the situation of some parts of Ireland was such and the intimidation so great, that the law could not be enforced; and in those parts stronger measures were necessary; but the circumstances should be so defined as to make it impossible to extend the measure to unoffending districts. He was happy to say, that the county of Wexford would not be found to require extra measures; and though at one time during the winter months there was every reason to apprehend that it would be involved in the general confusion, the united exertions of all classes, the energy of the Magistrates, the active co-operation of the Catholic clergy, and the goodwill of the farmers enabled them to check the spirit, and he hoped to redeem the proverbially good character of the county of Wexford. He was bound, however, to say, that much depended upon early exertion—when once the spirit of insubordination got to a certain point, all classes were paralysed, and life and property ceased to be secure, for there was no tyranny equal to that of a licentious and lawless mob. When he was prepared to admit the necessity of some coercive measures, he was bound also to see that those measures should be strictly limited, but particularly that they should be unconnected with the levying of tithes. If it had been intended to apply them to such an object, he should certainly have opposed them. Nay, more, whatever might have been the necessity of stronger measures, he should have deprecated their adoption, unless there was a prospect of remedial measures also. The general spirit of discontent and agitation could only be permanently put down by justice in the legislation towards Ireland; but when he considered the different measures of amelioration which had been proposed in Church Reform, and the reduction of the temporalities, abolition of the

Vestry Cess, Reform of the Grand Jury, and constabulary systems, and when he found Ministers pledged to carry those measures, he could not find himself justified in refusing to them temporary powers, which they, upon their responsibility, stated to be necessary. Such a system, however, could not be permanent, and to illustrate that more could be done by kindness and firmness than by coercion, he would take as an example the county which he had the honour to represent; the House would excuse him, if he detained them for a few moments: it was but justice to the well-disposed in Ireland. The morning after his arrival in Ireland last July, an official express came to say, that a large military force had been ordered to a certain point, in consequence of representations that an illegal and alarming meeting was to take place; he was, of course, ignorant of the circumstances; but apprehensive of accident, he decided upon attending in person; he overtook and passed the military, concentrating upon the scene, and hastened before them, to ascertain the nature of the meeting, certain that under ordinary circumstances he had nothing to fear personally from his countrymen, and also with the intention, if it had been illegal, of using his influence with the meeting to disperse, and so prevent any accident from collision. There were not above 100 persons assembled; he explained his views, and read Sir W. Gossett's circular. They assured him the object was solely to petition, and offered to disperse at once, if he considered their conduct illegal. He said no; the privilege of the subject is to petition and the wish of every friend to the Constitution must be, that they should make known their wishes to the Legislature, and not seek by violence to redress their own grievances. He then upon his own responsibility countermanded the military. The people passed a vote of thanks to the Magistrates and to the military, and every thing was peaceable, good-humoured, and legal. He received a letter of official approbation from Lord Anglesey, and the right hon. Secretary, and what perhaps the House would not expect, a resolution of thanks was passed by acclamation at the Political Union in Dublin, inasmuch as while he (Mr. Carew) officially vindicated the power of the law, he at the same time protected the privilege of the subject. There

was another case connected with property which might have led to still more disastrous results. The tenants upon a large estate under the Court of Chancery had been ejected; but as it was not intended finally to dispossess them, they were allowed to re-occupy the ground. The question subsequently arose, what were they to pay, for there had been no bargain? The agent claimed a certain sum: the tenants objected; the corn was seized; there was much excitement; and in short, under the circumstance of the times, there was a prospect of a disturbance. A deputation from the tenantry waited upon him; they drew up a memorial, offering to abide by the decision of two persons, one to be appointed by the agent, the other by themselves. The agent, an excellent and discreet man, consented, both parties left it to his (Mr. Carew's) decision, and he was fortunately enabled to please both. The money was paid, the corn released, whereas, if extreme measures had been taken, the probability was, that the landlord would have lost his rent, the tenants their corn, and the public peace, to preserve which was his object, would have been broken. Why did he mention these circumstances? To show that the Irish were susceptible of kindness and aware of the value of justice; though, perhaps, also a little too susceptible of first impressions, and too often thinking that the person who spoke loudest felt deepest. But people who had so conducted themselves had a right to claim protection from midnight assassins. Farmers and others had particularly suggested to him the necessity of preventing nightly meetings. He did not, of course, pledge himself to the various details, but scenes which he had witnessed obliged him to say that protection was necessary. He had to hold several inquests during the winter. Upon one occasion a house was burned; and when he attended next morning with another Magistrate, he saw dead upon the floor, the mother, her daughter, and a policeman. They had been shot when trying to escape from the flames; and in another room was the old father, insensible from his wounds, and his son, who was shot through the body, but survived: in short, out of a large family, but two escaped, a cripple and a child. He held another inquest upon a man who had said, incautiously, and, it was supposed, falsely, while drinking, that

"he knew the Whitefeet"—two days after he was murdered; but such was the general intimidation, that his own family and neighbours were afraid to open their lips. Fortunately, soon after, the police met the Whitefeet, and shot three of them. The farmers took courage, and by their verdict justified the police, and since that time there had been no serious outrage. No one regretted more than he did any departure from the laws, but he must say, as an honest man, that in some districts life and property were not secure. But in voting for the first reading he held himself perfectly free to oppose or to modify the details. He voted according to the dictates of his conscience at the expense of his feelings. He must observe, with respect to domiciliary visits, he was of opinion that great caution should be used, and that a regulation should be made requiring the men of the family to show themselves at the door, so as to render it unnecessary for the police or military to enter houses. In conclusion he repeated his intention to vote for the Bill.

Mr. *Clay* said, he thought the measure not adequate to meet the evils which it had been brought forward to remedy. If it were right in principle, it ought undoubtedly to pass immediately; if wrong, it ought not to be passed at all. The course of policy to be followed by his Majesty's Ministers had been developed, and their remedy for a part of the evils was a system of coercion—a policy, which he thought so ill adapted to the objects stated, that it would rather increase than lessen the evil. That course of policy was not what the country had a right to expect, nor was it calculated to settle the difficult question. He could not reconcile it to himself to give a silent vote on this subject—the rather as he was disposed to think that all its bearings had not been successfully developed in the speech, however eloquent and able, of the right hon. Secretary for Ireland. That speech was calculated to lead the House into one great error—that of substituting local, personal, and party feelings for the general good, as the basis of legislation—a principle of legislation that was, in the last degree, dangerous. He would say, that he had no feeling of hostility against Ministers; he was disposed to give them his warmest support; he owed them gratitude for what they had done as to



Reform, and he was confident that their intentions were most pure. For them to leave office would be a great national calamity, for he saw no other set of men who possessed the power to carry those measures of further Reform which the country demanded and must obtain, and at the same time preserve order. The disposition to place confidence in them must not, however, lead him too far—not so far as to oppose those principles which were the basis of his political creed. Many independent men in that House, who wished well to the Ministers, would not enter with them into the present path, and many more would enter it with the deepest regret. He demanded to know why it was, that Ireland was so continually a subject of complaint? Why did the distress of Ireland meet us at every turn? And why, but because Ireland had been misgoverned in every age? What rendered our policy weak and uncertain abroad, and what augmented our distress at home?—Ireland. The 8,000,000 of her people only added to our weakness. In a census of our population they ought to be subtracted from the 16,000,000 who inhabited Britain, for we should be stronger without them. Why did taxes press so heavily on Britain?—Because Ireland did not bear her fair proportion. What was the cause of that growing and extensive pauperism which told that this once happy land was going to decay?—What was it but the overflowing of her unhappy population into England, not only lowering the wages of Englishmen, but debasing the standard of social enjoyment and existence by perpetually exhibiting the picture of animal life preserved by the smallest quantity of subsistence—thus removing the only barrier against the general flood of misery which already overwhelmed Ireland itself. What was the remedy for this state of things?—It was—do justice to Ireland. Let the Union be made a real union, and let Ireland no longer be treated as a province. It might be said, that the measures of Ministers promised justice to Ireland; but when they were examined, the few measures of improvement slowly brought forward were more than counter-balanced by another measure of unparalleled severity. It was taking the whole nation out of the pale of the Constitution. It was the employment of force, which nothing but the most urgent necessity could justify. Let them be quite sure

that their cause was just, before they had recourse to such a measure—before they resolved to employ force against a whole people; and the employment of force by the Government against the people was a *prima facie* proof, that the Government was wrong. There was always a presumption, when the Government employed force against the people, that it was to support a measure of injustice; and let them, he said, be sure to do justice before they employed force—to redress every grievance before they had recourse to coercion. Measures of coercion were the last which should be called for on this occasion. One part of the measure—that which went to suppress petitioning, and subject political offences to be tried by Courts-martial—he did not approve of; another part—that which went to strengthen the law and protect life and property, to put a stop to outrage and restore order, was perhaps necessary. To that extent he approved of the measure, and to that extent he thought Ministers had made out a case. To that extent he agreed with them, and was prepared so far to concede. He did not, however, approve of the military tribunals. There was no reason why justice should not be administered by the ordinary tribunals—no reason why a Special Commission should not be issued to suppress the outrages. He had never heard, that officers of the army were good persons for arriving at truth. In fact, they would not sift the witnesses; they would take their impressions, he was afraid, from the gentry of Ireland, and decide according to their party views. He observed, too, that the gentry, the Magistracy, the police, who had been found insufficient to suppress disorder, were still to remain in power, and they would constitute the only machinery by which the Courts-martial could operate. All these things would retard, he was afraid, the return to order. The right hon. Secretary had praised the measure because it was a great departure from the Constitution; but if that were a recommendation, and it were found difficult to get witnesses, why not also subject them at once to torture to make them attend, and wring the statements which were required from them? He objected, also, to the mixing and confounding things quite distinct. He was ready to concede to his Majesty's Ministers a power to restrain nightly outrage, but he was not

ready to concede to them a power to restrain the expression of public opinion; he was not ready to put Ireland out of the pale of the Constitution, for the Irish had equal rights with the English. No Minister would dare to propose to deprive the English of their rights; and what he was not ready to do to the people of England, he was not ready to do to the people of Ireland. He could not consent to interfere with the right of petitioning. The eloquent speech of the right hon. Gentleman had laid no other ground for that part of the Bill than that the hon. and learned member for Dublin had planned some scheme of forming a body of Irish volunteers, and sending his friends through the country; but no evidence whatever had been produced to show that the people of Ireland gave into those schemes, or that they would be mischievous. The House was called upon to legislate on some petty, paltry, personal considerations. The hon. and learned member for Dublin was treated, he must say, unfairly, injudiciously, and injuriously. By rendering him an object of attack, the people were only the more attached to him. He was treated injudiciously, because not one of the great objects for which he had agitated but had been granted by that British Parliament to which he was held up now as an object of censure and ridicule. He had agitated for Catholic Emancipation—that was granted. He had agitated to obtain the repeal of the Church-cess, of the Grand Jury laws—and was not the whole House anxious to reform both those grievances? When he had accomplished these things, the hon. and learned Member should not be taunted and held up to ridicule because he did not deliver himself in that House in “good set phrase, and use the language of a waiting gentlewoman.” But suppose that the hon. and learned Gentleman was indiscreet—and he did not defend the hon. and learned Member—they should not act on such paltry ground of legislation. He would go further, and say that, with all respect for the talents and exertions of the hon. and learned Member—admitting, too, that the hon. and learned Member had done great things—he would say, that, unfortunately, a great deal too much importance was attached to the hon. and learned Gentleman. That man must have read history to very little purpose, and most unphilosophically, who was not con-

vinced that no individual could have much influence over those events, on which depend a nation's tranquillity. All history testified that great men were but incidents; they were created by events, and did not create them. The hon. and learned Gentleman was more the effect than the cause of political complaints. He was the child before he was the champion of agitation. The plan proposed was to employ coercion; but were there then no grievances to redress? Church Reform, Vestry-cess, and Grand Jury Laws were all to be reformed; but when they were reformed, they would leave untouched the master grievance of the Church Establishment, which drew its subsistence from the whole people, while it only contributed to the spiritual comfort of about one-tenth or one-fifteenth of them. That would remain; and he should say, that while it did remain, they must not hope for tranquillity in Ireland. It was a species of oppression which added insult to injury, and would prevent tranquillity. He looked at the promised reforms, because they were made the reasons for justifying coercion. On the measures of redress was founded a measure of unparalleled severity. He had not heard in those measures of redress any other hope held out but of a distant commutation of tithes, which were still to be levied in some shape or other, and appropriated to the exclusive use of the Irish Church Establishment. A reduction was to be made in the number of Irish Bishops, and a portion of their property was to be taken away; and how that was to be reconciled to the principle, that they were not to violate Church property he did not know; but if it were violated in one instance, why not violate it in more instances than one, if that was necessary to the tranquillity of Ireland? He could not get rid of the impression that this measure of severity was intended to enforce the collection of tithes. He knew that it had been disclaimed by the noble Lord, but a subsequent explanation of the right hon. Gentleman had done away with that disclaimer [*Question*]. He was, perhaps, trespassing too long on the House, but he was not aware that he had strayed from the question. In conclusion, he would say, that he would not oppose the first reading of the Bill [*a laugh*]. He was not aware that he had said anything which should excite the amusement of the House. He had stated, that he thought



greater power was necessary to repress outrage; and he did not intend, therefore, to oppose the introduction of the Bill; but he should, at a proper time, give his most decided opposition to those parts of the measure which went beyond the repression of outrages, and putting down the Whitefeet. Into the general question he would not enter. He would only say, that if he saw a full measure of justice done to Ireland, and if the hon. and learned Gentleman should then continue his agitation for Repeal, to which he was opposed — if he saw the hon. and learned Member acting from any motives of low and selfish ambition, though he did not think the hon. and learned Member would act on such motives—but if he saw agitation pursued, after justice had been done, in chase of the phantom of Repeal, which must lead to the ruin of the empire, he should be one of the first to grant Ministers all the power they could ask. Let them, however, show the people of England that justice was done to Ireland, and then, if they must quarrel, the people of England would cordially throw their weight into the scale, and the struggle would be neither of long duration nor of doubtful result.

Major *Beaucherk* said, that the great cause of all the evils which England suffered from Ireland was, the misgovernment and mismanagement to which the latter had been exposed, and yet the Ministers were about to make the wrong and the cause of all the evils much greater. He would tell Ministers that they would not attain their object, but would bring ruin on the country and on their own heads. If the people allowed the Bill to pass, it would keep up the taxes, and they, therefore, could not allow it to pass with impunity. It was fraught with danger to both parts of the empire, and he would, while it was yet time, raise his voice against it? Was this the fruit of Reform? Was this the gratitude of England to Ireland for her exertions to obtain Reform? It was his duty not to give the Government the power they asked, and he should oppose even the first stage of the Bill. The question would probably be decided for Ministers by a well-dressed majority of the House. But who were their supporters in this scheme of oppression? The very men who were distinguished for their hatred of liberty—that faction which had been so long the object of invective to

every member of the present Administration, and had so obstinately resisted the rights of the people. The Ministry might plume themselves on such assistance, but he would say, that the intelligent portion of the English community—the educated, reflecting, honest classes—felt the sufferings of Ireland as warmly as any Irish gentleman. They looked with suspicion and dislike at a measure which destroyed the foundation of the English Constitution, the principles of liberty and justice, and substituted for them the bayonet and the sword. The Bill was one which every honest man must view with feelings of hatred. If his Majesty's Ministers succeeded in carrying such a Bill, he for one would declare, that out of the House he should not consider himself bound to obey it.

Mr. *Lennard* said, that if he had a single doubt as to the propriety of supporting Government on this occasion, it would have been removed by the conclusive speech of the right hon. Secretary for Ireland. It was a speech so convincing, that the address of the eloquent Gentleman who spoke that night failed in shaking one single fact or argument contained in it. Never had he heard a stronger, a more irresistible case made out than that of the necessity of arming Ministers with extraordinary powers. It was said, why not inquire into the cause of these disturbances, and the probable remedies to be employed by Government in order to remove the evils of the country? But when he reflected on the danger that would result from any delay caused by the application of those remedies, he could not withhold from Ministers the powers they demanded. The Motion made by the hon. member for Lambeth, requiring a fortnight's delay, was one he could not consent to; because a much longer time would be requisite, in order to see the effect of the remedial measures. Before they sanctioned delay, let the price of that delay be taken into account—let them put themselves into the situation of persons living in an agitated district, and estimate the waste of property and life in the interval. Unless he was satisfied that no outrages would be committed in the meantime, he was resolved not to be deterred from giving his cordial support to Government. It was with reluctance he attempted to vindicate the present Bill—harsh and unconstitutional it certainly

was, but, in his opinion, it was much more harsh and unconstitutional to refuse their fellow-subjects the protection of life and property. He wished it to be understood, that the responsibility of the Bill rested on Ministers, both for its enactment and execution. At the same time, he placed full confidence in them, that those severe powers would not be misapplied. In the observations made by the hon. member for Leeds he concurred; there was a vast difference between the position of the present and any other Government; and he firmly believed, that a large majority, both in the House and the country, would support the Ministers against factious opposition. It had been asserted, that the Bill was a dangerous precedent; but he would answer, that whatever changes might take place in the Government, the nature and constitution of the House of Commons could not change. Though he supported the present measure, he begged leave to observe, that he was a sincere friend to Ireland.

Lord *Ebrington* begged leave, before he said one word on the measure before the House, to ask the hon. Gentleman who addressed the House last but one, to explain what he meant by "a well-dressed majority?" [*Explain.*]

Major *Beauclerk* said, that he used the term in no offensive sense, but merely meant to refer to the order and arrangement of hon. Members on the various benches rising behind each other.

Lord *Ebrington* would be the last man to take advantage of an expression uttered in the heat of debate; but he would tell hon. Members that they could not deprive of the confidence of the country, those men, who, by the whole tenor of their lives, had proved themselves the friends of popular rights, who, during the long course of their political career, had uniformly endeavoured to defend and extend the liberties of their fellow-subjects. In these struggles he had borne a very humble part, it was true, but with respect to Ireland, he had shared in the sacrifices made by those men during a long course of years, in order to secure emancipation to their fellow-subjects. It was thought convenient by some, who had been the chief gainers by that measure, to forget those sacrifices, and denounce the very men who made them as the worst enemies of Ireland. But if he had been ready to encounter the odium

on account of his Catholic fellow-subjects he was equally prepared on the present occasion to meet any consequences that might result from the performance of, he admitted, a painful duty to support the measure introduced by his Majesty's Ministers. As all who supported Government had expressed the reluctance with which they advocated such a Bill, he must also declare, that no man entertained that feeling more keenly and sincerely than he (Lord *Ebrington*) did; but, at the same time, he avowed that neither did any person hold a firmer or more entire conviction of the absolute necessity of a measure of that kind—not for the purposes of coercion, but for the removal of a grievous tyranny—of that system of lawlessness which prevailed in a great part of the country, and was utterly incompatible with the existence of property, and life, and civil society. His support therefore, was given on the strongest conviction of the necessity of the Bill. Indeed, no one could rationally entertain a doubt of it, after the clear and unanswerable speech of the right hon. Secretary for Ireland—a speech not distinguished alone by clearness, but by eloquence and solid argument. He (Lord *Ebrington*) did not, however, rest upon that single speech, but, from his connexion with Ireland, he enjoyed such opportunities of ample confirmation as left not one scruple on his mind. An hon. Gentleman in a debate some nights since quoted portions of speeches delivered by various persons on a former occasion, quoting, among others, a speech of his; and as if proud in the consciousness of his own immaculate purity, charged them with inconsistency. But if the hon. and learned Gentleman had read accurately the account of his (Lord *Ebrington's*) speech, he would have seen that, although he opposed the Insurrection Bill, it was that part of the bill which intrusted powers to the Magistracy of Ireland; but he and his hon. friend had proposed at the time to give additional powers to the Lord Lieutenant, and the introduction of Martial Law, to carry into effect the provisions of the Insurrection Act, instead of giving to the Magistracy the summary power of transportation. He (Lord *Ebrington*) disliked, as much as any man, military tribunals, and the abolition of Trial by Jury; but he conscientiously believed, that, at this time, in various parts of Ireland, the state of



intimidation was such that it was impossible there could be a chance of a fair trial, even if Juries could be got at all. After the best consideration he could bestow upon the subject, therefore, he saw greater objections to any other tribunals, without Juries, than to the establishment of Courts-martial, which had this advantage, that the persons of whom they were composed were less likely to come to the consideration of the questions with party feelings, or local prejudices, than any other tribunal in the present distempered state of Ireland. At the same time, he hoped that the persons composing the Courts would be officers of high rank and mature age. Whilst, on the one hand, it was asserted that the existing law was sufficient for the repression of disturbances in Ireland, on the other, Ministers were condemned for not having applied to Parliament earlier for extraordinary powers. He knew that Ministers had shown great reluctance in asking for extraordinary powers. That, however, was in his opinion, a venial offence, and in it would be found an additional security for the non-abuse of the powers they now called upon the House to intrust them with. He was quite sure, that the anxiety of his noble friend at the head of the Government of Ireland to delay having recourse to violent and arbitrary measures was quite equalled by his anxiety to use those measures sparingly; and he verily believed, that the knowledge alone of his being possessed of the power would operate beneficially, without its exercise, and induce many to rally round the Government in support of order, and for the protection of life and liberty. He was convinced that many who now, scared by the system of terror and agitation which was in operation, would immediately show themselves, when the powers of the Government were corroborated, and unite in maintaining the peace and security of the community.

Mr. Henry Lytton Bulwer moved the Adjournment of the Debate.

Lord Althorp said, that since the ques-

tion had been put, he would not oppose it; but he should have been better pleased had the debate been brought to a conclusion that night. He was quite aware that many Gentlemen would feel it necessary to speak upon the question, who, at that late hour of the night, could hardly be expected to address the House. He wished, however, that some understanding could be come to by which the debate on the first reading might be concluded to-morrow.

Mr. O'Connell said, that if he was alluded to, he for one would be no party to any bargain on the subject. He denied that any Member of that House had the right to dictate to him on any portion of his public conduct or tell him when he was to speak. He stood there the Representative of the Irish people [*Loud laughter, and cries of "No, no," and "Dublin"*]. Well, he said so—he said that he stood there as the Representative of the capital of the Irish nation. His return had not even been petitioned against, and in that capacity he had a public duty to perform. If he thought it necessary to speak upon the question before the House, he would do so without asking leave of the noble Lord, or acknowledging his right of dictation.

Lord Althorp said, that he was quite aware that he had no right to dictate to the hon. and learned Member, and he put it to the House whether, in what he had said, he had assumed any such right? He had, however, the right, and he would exercise it, of expressing an opinion upon any subject before the House.

Mr. Baldwin said, that he had been very much censured by his constituents for not having spoken before. As the Representative of a very large constituency he could assure the noble Lord that the discussion should not close without his expressing his indignation at the introduction of the most despotic and most uncalled-for measure which had ever been brought before a British House of Commons.

Debate adjourned.

END OF VOL. XV.—THIRD SERIES.

AND OF

FIRST VOL. OF SESS. 1833.

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TO

VOL. XV. (*THIRD SERIES*) SESSION 1833,

OF

HANSARD'S PARLIAMENTARY DEBATES.

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